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GENERAL ASSEMBLIES

HELD IN

HIS MAJESTY's PROVINCE OF NOVA-SCOTIA:

FROM

The First Assembly, which met at Halifax the second Day of October, in the thirty-second year of His late Majesty Geo. II. A. D. 1758.

TO

The forty-fourth year of His present Majesty Geo. III. A. D. 1804, inclusive;

WITH

A Complete Index and Abridgement of the whole.

PUBLISHED BY ORDER OF

THE GOVERNOR, COUNCIL, AND HOUSE OF ASSEMBLY,

BY

RICHARD JOHN UNIACKE.

HALIFAX:

Printed by JOHN HOWE and SON, Printers to the KING's Most Excellent Majesty.

1805.

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THIS
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ASSEMBLY
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TO HIS EXCELLENCY

SIR JOHN WENTWORTH, BARONET,

DOCTOR OF LAWS,

LIEUTENANT GOVERNOR AND COMMANDER IN CHIEF OF NOVA-SCOTIA,

&c. &c. &c.

THIS EDITION of the LAWS OF NOVA-SCOTIA, having been undertaken at the desire of YOUR EXCELLENCY, pursuant to the request of HIS MAJESTY'S COUNCIL, and the HOUSE OF ASSEMBLY, and the work being now completed under your Patronage, it has a natural claim to your Protection, and is, therefore, most humbly inscribed to your Excellency, in testimony of the respect due from

Your Excellency's

Most faithful

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Very dutiful Servant,

RICHARD JOHN UNIACKE.

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TO THE READER.

AS this Edition of the Acts of the General Aſſembly of the Province is a public work, executed at the expence of His Majeſty's Government, it is proper that it ſhould be rendered as generally beneficial as poſſible. In times like the preſent, I ſhould feel conſcious of a neglect of the duty I owe to the King, if I did not avail myſelf of the opportunity which the publication of this work affords, to exhort His Majeſty's Subjects, by a ready obedience to the Laws, and by the punctual diſcharge of every civil and religious duty, to ſhew themſelves worthy of the great bleſſings we enjoy under the government of a Monarch, who is reſpected for his virtues even by his enemies.

IT has been our misfortune to live at a period, during which every art has been uſed to deſtroy the principles of true religion, and to ſubvert the rules of civil government. The Chriſtian religion, which is our ſure guide to the worſhip of the true God; the allegiance of ſubjects to the King; the natural love of our country; the union of huſband and wife; the duties of parent and child; the affection of brothers and ſiſters; and the attachment of friends and countrymen, have been, by impious and wicked men, ſtyled prejudices originating in the human mind from the errors of a falſe education. It has been our lot to ſee thoſe venerable principles, which our forefathers conſidered fixed as firmly as the pillars of the earth, ſhaken to their baſis, and the fundamental rules of human happineſs ſcoffed at, and ridiculed, in the publications of artful men, who have proved themſelves the enemies of the human race. Works of this ſort have been circulated far and near, and the opinions of thoſe men propagated with a true ſatanick zeal. To give the name of a revolution to the events which have ſprung from thoſe novel doctrines, would be applying a term too feeble to comprehend the horrid and ſanguinary actions of the apoſtles of liberty and equality. Their deeds have produced a convulſion in human nature, which has been accompanied with a degree of atrocity ſo dreadful, that it may be reaſonably doubted whether our poſterity will give credit to the pages of hiſtory which ſhall record the wonderful events that have happened within the compaſs of a few years. I think I do not exaggerate when I ſay, that thoſe diabolical principles, during the ſhort period I advert to, have produced to the world more human wickedneſs, diſtreſs, and miſery, than any equal ſpace of time has exhibited in the previous hiſtory of man.

IF we contemplate man in his rude and ſavage ſtate, for the purpoſe of comparing him with his fellow man, living in civiliſed ſociety, ruled by Laws founded in equity and juſtice, and impartially adminiſtered, the difference appears ſo great, that it has been doubted whether both men have proceeded from one common ſtock.

THE chief end of all human inſtitutions is the preſervation of men's lives, liberties, and properties. Our anceſtors have maifeſted their wiſdom in framing Laws peculiarly adapted to thoſe great purpoſes, and their courage in defending thoſe Laws, upon every occaſion, has been equally conſpicuous. Engliſh Subjects exhibit, in the hiſtory of mankind, a people poſſeſſing a form of Government, under which their lives, liberties and properties, are ſecured in a way that no other nation or people have yet experienced. The Engliſh Conſtitution has been viewed with admiration by the wiſe and learned men of all nations, and it gives to Great-Britain ſuch a juſt ſuperiority over all other countries, that ſhe is become an object of envy and jealouſy to them all. No people but the Britiſh nation, have ever enjoyed the happineſs of being ſubject to Laws made by their own conſent; and which are, in a great meaſure, put into execution by themſelves. This Conſtitution,

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the nobleſt of all inheritances, our anceſtors left to their poſterity, and we are at this day called to arms in its defence; with what heartfelt ſatisfaction then muſt every man, who has the honor to feel a drop of Engliſh blood in his veins, behold the Britiſh nation united in arms, and determined with their lives and properties to defend their Religion and Laws, their King and their Country, againſt a vindictive enemy, who conquers but to deſtroy. It is the peculiar duty of the people in this Province, with humble gratitude to return thanks to the Almighty, for having preſerved to our nation a juſt ſenſe of religion, virtue, and honour, without which, all the ſocieties on earth muſt periſh.

We have the moſt powerful motives to cultivate the virtues, manners and habits, of our anceſtors, and to cling cloſe to the venerable ſtock from which we derive our origin. The Province of Noya-Scotia, with it's Iſlands, form the moſt prominent feature on the Coaſt of North America. The vaſt extent of it's ſea coaſt, numerous harbours, and extenſive fiſheries, with it's almoſt inſular ſituation, give it a ſtrong reſemblance to the mother country, and afford reaſonable expectation, that, like it, it will, in time, become powerful in maritime force. The ſurrounding ſeas make its defence from foreign attack eaſy, and, at the ſame time, check that diſpoſition to wander in ſearch of new ſettlements, which is ſo prevalent in the reſt of America. This advantage, coupled with the fiſheries, will, in time, cauſe the population of the Province far to exceed any other country in America of the ſame extent. If to theſe advantages are added the healthineſs of the climate, the fertility of the ſoil, the facility of exterior and interior water cariage, and the numerous coal mines, and mines of all other uſeful metals, the reſemblance of the Prvince to the Parent State will appear ſo ſtrong, that it is impoſſible to avoid feeling an anxious deſire to ſee its people diligently cultivate thoſe laws, manners, habits and cuſtoms, of the Mother Country, which are the ſources of her proſperity, and the cauſe why Great-Britain ſtands, at this day, unrivalled in arts and in arms, ſecurely enjoying a free and honeſt Government, to which the wealth of the world flies for refuge. It cannot be too ſtrongly inculcated as an incumbent duty on the inhabitants of this country, to copy after a people, who, at this day, exhibit to the world a national character that will be venerated while virtue and honor exiſt in the human breaſt. It is our duty to cultivate an attachment to the Parent State, and to manifeſt, on all occaſions, our gratitude for the powerful protection that enables us to live with freedom and eaſe, at a time abounding with more univerſal national calamity than ever exiſted at any other period of the human hiſtory. If we train up our children to imitate the high and honorable ſpirit which makes Great-Britain the refuge and defender of the religion, honour and virtue of all Europe; if we impreſs on the minds of our youth, that they derive their origin from this great people, and that their native land makes a part of the extenſive dominions of Great-Britain, we ſhall thereby prove ourſelves faithful ſubjects to the good King, under whoſe parental care the ſettlement of this Province has been effected, and in whoſe reign fertile fields have ſucceeded a ſavage and dreary wilderneſs, and numberleſs veſſels which cover our ſhores, and rivers, have replaced the Indian's canoe. To thoſe advantages we have to add the bleſſings of a mild and moderate Government, ſupported at the expence of the Mother Country, and eſtabliſhed by the great wiſdom and benevolence of His Majeſty, who, ever attentive to the happineſs of his people in this Province, has liberally endowed and eſtabliſhed a Univerſity, to extend the arts and ſciences to his infant colony, in which he has ſupported a numerous body of Clergy, thereby laying a foundation for the temporal and eternal happineſs of his people. The care with which His Majeſty has ſelected men of tried abilities, and approved virtue and integrity, to preſide in his Courts of Juſtice in this Province, would alone afford to us the ſtrongeſt proof of his paternal care. His Majeſty has always allotted for the protection of the Province, a ſufficient portion of his powerful fleets and armies, which has enabled us to cultivate the arts of peace during wars that have deſolated the four quarters of the world, and overturned powerful Empires, Kingdoms and States. If I were to proceed re-capitulating the numberleſs inſtances of His Majeſty's care and attention, I ſhould far exceed the bounds of a preface; and as I have already enumerated, I

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hope, more than ſufficient to eſtabliſh in the reader's mind never failing principles of gratitude to his Majeſty, I ſhall only obſerve, that Subjects bound to their King by the ties of gratitude and affection, are the only Subjects whoſe homage is acceptable to a nation like Great-Britain, that conquers but to ameliorate the condition of the vanquiſhed.

THE people of this Province inherit their full ſhare of the advantages which flow from the Britiſh Conſtitution, and are bound to unite with their elder brethren for its preſervation and defence. It is no common warfare in which we are now engaged; our natural enemy has drawn forth his whole ſtrength for the ruin of our nation, and Britiſh ſubjects have at this moment to fight for their national exiſtence, which our enemy has ſolemnly vowed to deſtroy. If Britain falls it is eaſy to foretell the fate of America; we may in ſuch caſe bid farewell to religion and liberty, arts and ſciences, virtue and honor; for many dark ages muſt follow the triumph of infidelity and barbariſm. I am not induced to make theſe laſt obſervations from an apprehenſion that when the day of trial comes, we ſhall want ſpirit to defend our country; on the contrary, I am conſident that the hardy ſons of Nova-Scatia, will egarly ruſh to the battle; to doubt it would be to doubt that we are the legitimate offspring of a race of people, whoſe courage and bravery ſtand recorded on almoſt every page of hiſtory. But I do not conſider that the ſtrength of a nation depends altogether on the native bravery of its people; the religious and moral virtues of a nation are its great ſecurity and defence. In the hiſtory of the world we read with pleaſure and aſtoniſhment, of the wonderful exertions which have been made by nations eminent for thoſe qualities; on the other hand, thoſe dreadful national calamities, the hiſtory of which we can only contemplate with horror, may eaſily be traced from the earlieſt times to the preſent, to have uniformly proceeded from the want of religion and virtue in the people; the courage of men of this laſt deſcription is nothing more than the ferocity of a ſavage, but the man who has a juſt ſenſe of his duty to God and his King, ſtands firm in the midſt of danger, exerciſing the powers of his mind with cool deliberation, and executing his purpoſes with that fortitude which will ever accompany the man who is brave from a ſenſe of duty. In no way can we more effectually manifeſt our love and attachment to the King, than by punctually obeying his laws. It is the duty of an Engliſh Subject in this reſpect, not merely to attend to his own conduct, he is alſo bound to obſerve the actions of others; for this purpoſe our Conſtitution has wiſely provided, that all men, high and low, are in ſome ſhape or other called to aſſiſt in the execution of the Laws, ſome as Juſtices of the Peace, others as Jurors, Conſtables, or in an endleſs variety of different offices and ſtations. The wiſeſt and beſt of Kings, with all the State Officers appendant to his high rank and ſtation, would, without ſuch help, be unable to execute our Laws. Engliſh juriſprudence conſiders that man as criminal, who ſees the Law tranſgreſſed, and conceals the offence; in ſuch caſe the Laws would ſoon fall into diſuſe; and if offenders were ſuffered to paſs with impunity, the Law inſtead of being the ſtandard to guide men's actions, would only be enforced occaſionally, as the caprice or malice of individuals might direct. There is no principal that operates more powerfully in ſupport of the Britiſh Conſtitution, than the reverence and reſpect with which an Engliſhman views the Laws of his Country, in the execution of which he exerts himſelf with a degree of zeal that is habitual to him. This principle is ſo powerful in the breaſt of every man, that it is common to ſee a ſingle Conſtable with his ſtaff diſperſe a mob, even when their paſſions are in a high ſtate of irritation; and it is an event which ſeldom happens, that a Peace-Officer is moleſted in the execution of his duty, or that the bye-ſtanders refuſe him their aſſiſtance. Every perſon in this Province ſhould conſider it his duty to imitate, with the greateſt care, this excellent example, and thereby effectually provide for the equal and impartial adminiſtration of the Law: which is the only political equality that man can enjoy in cival ſociety. If apathy pervades the minds of the people as to the execution of the Laws, and if they ſee them violated, and broken, without any exertion to bring offenders to juſtice, the virtues of the King, the wiſdom and integrity of his Judges, and the honeſt zeal of all his Public Officers, will have but a ſmall effect, when the people do not themſelves co-operate.

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MAN's advancement either in vice or in virtue is gradual: when he commences his vicious career his tranſgreſſions are of an inferior claſs; and in this ſtage of his progreſs, he will contemplate with horror the enormities, which, afterwards, as he becomes habituated with vice, he will commit without compunction. Juſt ſo it is with the man who brings himſelf to diſregard the Law; he firſt commences his reſiſtance to thoſe legal regulations which the exigencies of ſociety require to reſtrain men's actions, as to things which otherwiſe would not be contrary to the rules of natural law: this reſiſtance commences under the idea that ſuch regulations are an infringement on the common rights of man: but he who can thus reconcile himſelf to tranſgreſs poſitive law, will not ſtop here: he will ſoon find an excuſe for tranſgreſſing thoſe Laws which prohibit us from doing to others what we would not wiſh done to ourſelves. No part of the legal code is ſo often violated as the fiſcal department. The exigencies of every Government require a revenue, which many perſons, who are incapable of forming a juſt eſtimate of right and wrong, evade, and, by ſuffering themſelves to be guided by an imaginary intereſt, conſider their contrivance to withhold their ſhare of the public contribution as of little importance in a moral ſenſe; but the perſon who can reconcile himſelf to an offence of this ſort, will, with equal facility, juſtify his impoſitions on the fair trader, as well as the innocent cuſtomer, and by exacting duties from the conſumer, which he has never paid, he deceives himſelf with the hope of ſpeedily increaſing his fortune by diſhoneſt and diſhonorable means. This man ſeldom ſtops in his career, until he has ruined both character and reputation; perjury, and ſubornation of perjury, are crimes which he cannot avoid, and it becomes a neceſſary conſequence that, by bribery, (or, perhaps, worſe means) he is obliged to corrupt the principles of all thoſe whom he employs; he ſoon acquires a degree of depravity that ſets the Laws of God and Man at defiance, and in time he has recourſe to violence which too often cloſes the ſcene with murder, robbery, and the whole catalogue of capital felonies. No perſon who has been long acquainted with America can be ignorant of the evil conſequences which ſmuggling has produced. Britiſh ſubjects have leſs excuſe than any other people for crimes of this ſort. Under the Britiſh Conſtitution, the Revenue is provided by Laws, in the formation of which the people claim an almoſt excluſive right; he therefore who holds the privileges we enjoy as Britiſh Subjects in eſtimation, is bound not only to obey the Law himſelf, but it his duty, by every exertion in his power to compel others to obſerve the ſame rule. No reaſoning, however ſpecious, ſhould be admitted as an excuſe, whether the Law is good or bad, convenient or inconvenient, all the King's Subjects are bound to pay obedience to it; remembering always that they had a ſhare in making it, and that whatever may be the evil conſequences of its operation, they muſt be trifling when compared to the miſchiefs that would certainly follow the open and avowed diſregard of an exiſting Law. It is the lot of the wiſeſt and beſt of us to err, and the wiſdom of our Conſtitution, contemplating the imperfection of human underſtanding, has made ample proviſion for correcting the errors of its Legiſlature, by the frequent aſſembling of that omnipotent power, which precludes the poſſibility of any great or material evil reſulting from an unwiſe or improvident Law, as the repeal of it would neceſſarily and ſpeedily follow the diſcovery of it's inconvenience. I hope it will not be conſidered improper in me, here to obſerve, that an opinion has been too prevalent in America, that the power of Government ſhould be as little felt as poſſible in a new country; this has cauſed the maxim of not governing too much to be abuſed, and has produced the poſitive fault of governing too little. If I may be allowed, I will aſk the queſtion, whether any man can believe that the child which has never been compelled to yield to the authority of a parent during his minority, will ſubmit to be governed by a father's will after he ſhall attain the age of maturity? or is it neceſſary I ſhould undertake to convince a rational being of the wickedneſs of the opinion which has been zealouſly contended for by modern philoſophers, that a man in his infant ſtate, ſhould be taught nothing but what his reaſon can comprehend, and ſhould be left until he attains his maturity without the

influence of previous education to choose his religion, (if he intends to profess any) or to select the moral rules and branches of science which he wishes to study for his guidance through life? One can hardly believe that a doctrine so destructive to man's peace and happiness could have found advocates. None but the ministers of the fallen angels would wish to deprive man of the grateful sensations he feels through life, towards the tender mother, the affectionate father, or kind master, who impressed on his infant mind, both by precept and example, the principles of religion, morality, virtue, and honor: principles on the practice of which, his purest enjoyments in this life, and his hopes in the world to come, are founded; principles which if not inculcated with the first dawning of his understanding, can never be attained. Were man left to seek for first principles after his mind was filled with the cares and pleasures of the world, it requires little judgment to conclude, that at that period those important rules would find but little room for a permanent foundation in the human breast, and that the man who laboured under the influence of such an education, would be the slave of his passions, and the ready perpetrator of every species of wickedness.

The General Assembly, in a former Session, finding that the apparent neglect in the execution of the Province Laws, arose more from a want of knowledge of the Law, than a disregard on the part of the people, wisely resolved, that a new Edition of the Statute Law should be published. The wishes of the General Assembly having been expressed to His Excellency the Lieutenant Governor, he was pleased to order the Attorney and Solicitor Generals to execute this necessary work. The private affairs of the Solicitor General requiring his attendance in England, I was deprived of his able assistance, and was obliged to proceed alone. The first step I took was thoroughly to examine the Statutes that had already been published, from which I was convinced that I was not safe in conducting the present work to depend on any thing in print: I therefore determined to have recourse to the original Acts, and, having carefully examined the Journals of the House of Assembly, and formed a schedule of every Bill which had passed into a Law, from the first settlement of the Province, to the present time; and, having compared the same with the Laws themselves, as preserved in the records of the Secretary's Office, I felt much satisfaction to find that all the original Laws were extant, one only excepted, which is of little importance, as it respected the sitting of the Country Courts, which is provided for by subsequent Statutes. Having collected the Statutes which from time to time had been printed, and carefully compared them with the Records, I have every reason to flatter myself with the hope that there will be found no material omission in the present work. I considered it unnecessary to publish more then the titles of the Acts which have been repealed, executed, or expired. All the other Acts are printed at large, in succession, as they have been assented to, beginning with the first Session of General Assembly, which commenced the 2d day of October, 1758, and ending with the last Session, which commenced on the 21st day of June, 1804. The Acts of each Session are distinguished from the succeeding one, and the names of the Governor, and principal Officers belonging to the Legislative Branches, are published in the title page of each Session; marginal notes are affixed to each Act, referring to all subsequent Acts which have been made in amendment or addition thereto. Finding that an Edition of the Acts of the Province up to the sixth year of His present Majesty's reign, was published by the late Chief Justice BELCHER, with notes of Law Cases and marginal references to British Acts of Parliament, I considered it proper to re-publish the same notes and references in this work; not only as a mark of respect to the high and learned character of Mr. BELCHER, who was the first Chief Justice of the Province, but also as affording to the people of the Province a convincing proof, that our predecessors anxiously endeavoured, as nearly as local circumstances would permit, to copy the Laws of the Mother Country, and to form our establishments agreeably to the British Constitution. I at first designed to continue the late Chief Justice's notes down to the present period, by adding thereto the subsequent decisions of the British Courts of Law, with marginal references

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to all the ſucceeding Acts of Parliament; and I had made ſome progreſs in the execution of my firſt intentions, but on further conſideration I was induced to lay them aſide, from an opinion that they could only be uſeful to Students of the Law, who intended to qualify themſelves for the practice of that learned and highly honorable profeſſion, and who I fear already feel themſelves much relieved by modern publications from that deep thought, and laborious reſearch, ſo eſſentially neceſſary to acquire a thorough knowledge of the Law. But to enable the people at large, for whoſe uſe this work is principally intended, thoroughly to underſtand the Statute Law, and to turn with facility to each particular ſubject, or ſection, I have carefully abridged every Act under its appropriate head, and have added thereto a copious Index, with proper references, in the hope thereby, to make our Laws intelligible to the meaneſt capacity; and I have no doubt the reader will with pleaſure contemplate the exertions of this infant Colony, in every ſtage of it's Legiſlation, to eſtabliſh religion, and ſuppreſs vice and immorality. I am ſenſible that the patience of the public has been nearly exhauſted on account of the great length of time this work has been in hand; to me, it has been painful and highly diſtreſſing: but when I conſider the great difficulty that attends a printer, who has to execute an extenſive work like this in a new country, where he is obliged to attend to all his other buſineſs and avocations, it has been to me I confeſs a ſufficient excuſe, and I hope the public will receive it in the ſame light. The only merit I can pretend to in completing a work which has required much labour and attention, is that of diligence and fidelity; ſhould it prove uſeful to a people amongſt whom I have ſpent the beſt part of my life, from whom I have received innumerable favours, and to whom I am attached by the ſtrongeſt ties of gratitude and eſteem, I ſhall feel moſt amply rewarded, and no event will contribute more to my happineſs, than to live to ſee the Province enjoying all the bleſſings, that ever will attend a country, the people of which are good and virtuous.

RICHARD JOHN UNIACKE.

SESSIONS OF GENERAL ASSEMBLY.

THE First Seſſion of General Aſſembly held in the Province, met on the 2d day of October, A. D. 1758 : Page 1. In this Seſſion 36 Acts paſſed, of which 20 are in force at this day

The ſecond Seſſion of General Aſſembly begun on the 1ſt day of Auguſt, A. D. 1759, being the laſt Seſſion of the Firſt General Aſſembly : Page 41. In this Seſſion 7 Acts paſſed, of which 3 are in force at this day.

Third Seſſion, being the firſt Seſſion of the ſecond General Aſſembly, met on the 4th day of December, A. D. 1759 : Page 46. In this Seſſion 22 Acts paſſed, of which 8 are in force at this day.

Fourth Seſſion, being the ſecond and laſt Seſſion of the ſecond General Aſſembly, begun on the 8th day of September, A. D. 1760 : Page 56. In this Seſſion 20 Acts paſſed, of which 9 are in force at this day.

Fifth Seſſion, being the firſt Seſſion of the third General Aſſembly, met on the 1ſt day of July, A. D. 1761 : Page 64. In this Seſſion 19 Acts paſſed, of which 13 are in force at this day.

Sixth Seſſion, being the ſecond Seſſion of the third General Aſſembly, begun on the 17th day of March, A. D. 1762 : Page 77. In this Seſſion 11 Acts paſſed, of which 5 are in force at this day.

Seventh Seſſion, being the third Seſſion of the third General Aſſembly, begun on the 25th day of April, A. D. 1763 : Page 86. In this Seſſion 6 Acts paſſed, of which 1 is in force at this day.

Eighth Seſſion, being the fourth Seſſion of the third General Aſſembly, begun on the 19th day of October, A. D. 1763 : Page 88. In this Seſſion 15 Acts paſſed, of which 6 are in force at this day.

Ninth Seſſion, being the fifth Seſſion of the third General Aſſembly, begun on the 22d day of March, A. D. 1764 : Page 98. In this Seſſion 7 Acts paſſed, of which 2 are in force at this day.

Tenth Seſſion, being the ſixth and laſt Seſſion of the third General Aſſembly, begun on the 12th day of October, A. D. 1764 : Page 101. In this Seſſion 7 Acts paſſed, of which 2 are in force at this day.

Eleventh Seſſion, being the firſt Seſſion of the fourth General Aſſembly, begun on the 28th day of May, A. D. 1765 : Page 106. In this Seſſion 12 Acts paſſed, of which 9 are in force at this day.

Twelfth Seſſion, being the ſecond Seſſion of the fourth General Aſſembly, begun on the 3d day of June, A. D. 1766 : Page 118. In this Seſſion 12 Acts paſſed, of which 4 are in force at this day.

Thirteenth Seſſion, being the third Seſſion of the fourth General Aſſembly, begun on the 23d day of October, A. D. 1766 : Page 122. In this Seſſion 10 Acts paſſed, of which 2 are in force at this day.

Fourteenth Seſſion, being the Fourth Seſſion of the Fourth General Aſſembly, begun on the 1ſt day

day of July, A. D. 1767 : Page 125. In this Seſſion 13 Acts paſſed, of which 6 are in force at this day.

Fifteenth Seſſion, being the fifth Seſſion of the fourth General Aſſembly, begun on the 17th day of October, A. D. 1767 : Page 129. In this Seſſion 3 Acts paſſed, of which 2 are in force at this day.

Sixteenth Seſſion, being the ſixth Seſſion of the Fourth General Aſſembly, begun on the 18th day of June, A. D. 1768 : Page 133. In this Seſſion 13 Acts paſſed, of which 12 are in force at this day.

Seventeenth Seſſion, being the ſeventh Seſſion of the fourth General Aſſembly, begun on the 22d day of October, A. D. 1768 : Page 146. In this Seſſion 19 Acts paſſed, of which 8 are in force at this day.

Eighteenth Seſſion, being the eighth and laſt Seſſion of the fourth General Aſſembly, begun on the 10th day of October, A. D. 1769 : Page 154. In this Seſſion 7 Acts paſſed, of which 3 are in force at this day.

Nineteenth Seſſion, being the firſt Seſſion of the fifth General Aſſembly, met on the 6th day of June, A.D. 1770 : Page 157. In this Seſſion 17 Acts paſſed, of which 9 are in force at this day.

Twentieth Seſſion, being the ſecond Seſſion of the fifth General Aſſembly, begun on the 5th day of June, A. D. 1771 : Page 165. In this Seſſion 22 Acts paſſed, of which 7 are in force at this day.

Twenty-Firſt Seſſion, being the third Seſſion of the fifth General Aſſembly, begun on the 9th day of June, A. D. 1772 : Page 172. In this Seſſion 9 Acts paſſed, of which 4 are in force at this day.

Twenty-Second Seſſion, being the fourth Seſſion of the fifth General Aſſembly, begun on the 20th day of April, A. D. 1773 : Page 176. In this Seſſion 5 Acts paſſed, of which none are in force at this day.

Twenty-Third Seſſion, being the fifth Seſſion of the fifth General Aſſembly, begun on the 12th day of October, A. D. 1773 : Page 178. In this Seſſion 13 Acts paſſed, of which 4 are in force at this day.

Twenty-Fourth Seſſion, being the ſixth Seſſion of the fifth General Aſſembly, begun on the 6th day of October, A. D. 1774 : Page 183. In this Seſſion 17 Acts paſſed, of which 9 are in force at this day.

Twenty-Fifth Seſſion, being the ſeventh Seſſion of the fifth General Aſſembly, begun on the 12th day of June, A. D. 1775 : Page 193. In this Seſſion 9 Acts paſſed, of which 3 are in force at this day.

Twenty-Sixth Seſſion, being the eighth Seſſion of the fifth General Aſſembly, begun on the 20th day of October, A. D. 1775 : Page 196. In this Seſſion 12 Acts paſſed, of which 3 are in force at this day.

Twenty-Seventh Seſſion, being the ninth Seſſion of the fifth General Aſſembly, begun on the 15th day of June, A. D. 1776 : Page 201. In this Seſſion 10 Acts paſſed, of which 2 are in force at this day.

Twenty-Eighth Seſſion, being the tenth Seſſion of the fifth General Aſſembly, begun on the 6th day of June, A. D. 1777 : Page 204. In this Seſſion 13 Acts paſſed, of which 4 are in force at this day.

Twenty-

Twenty-Ninth Seſſion, being the eleventh Seſſion of the fifth General Aſſembly, begun on the 6th day of June, A. D. 1778 : Page 208. In this Seſſion 12 Acts paſſed, of which 5 are in force at this day.

Thirtieth Seſſion, being the twelfth Seſſion of the fifth General Aſſembly, begun on the 7th day of June, A. D. 1779 : Page 213. In this Seſſion 17 Acts paſſed, of which 6 are in force at this day.

Thirty-Firſt Seſſion, being the thirteenth Seſſion of the fifth General Aſſembly, begun on the 9th day of October, A. D. 1780 : Page 219. In this Seſſion 11 Acts paſſed, of which 3 are in force at this day.

Thirty-Second Seſſion, being the fourteenth Seſſion of the fifth General Aſſembly, begun on the 11th day of June, A. D. 1781 : Page 222. In this Seſſion 11 Acts paſſed, of which 4 are in force at this day.

Thirty-Third Seſſion, being the fifteenth Seſſion of the fifth General Aſſembly, begun on the 11th day of June, A. D. 1782 : Page 225. In this Seſſion 14 Acts paſſed, of which 3 are in force at this day.

Thirty-Fourth Seſſion, being the ſixteenth Seſſion of the fifth General Aſſembly, begun on the 6th day of October, A. D. 1783 : Page 230. In this Seſſion 18 Acts paſſed, of which 8 are in force at this day.

Thirty-Fifth Seſſion, being the ſeventeenth and laſt Seſſion of the fifth General Aſſembly, begun on the 1ſt day of November, A. D. 1784 : Page 239. In this Seſſion 11 Acts paſſed, of which 4 are in force at this day.

Thirty-Sixth Seſſion, being the firſt Seſſion of the ſixth General Aſſembly, met on the 5th day of December, A. D. 1785 : Page 243. In this Seſſion 6 Acts paſſed, of which 2 are in force at this day.

Thirty-Seventh Seſſion, being the ſecond Seſſion of the ſixth General Aſſembly, begun on the 8th day of June, A. D. 1786 : Page 245. In this Seſſion 9 Acts paſſed, of which 4 are in force at this day.

Thirty-Eighth Seſſion, being the third Seſſion of the ſixth General Aſſembly, begun on the 25th day of October, A. D. 1787 : Page 252. In this Seſſion 17 Acts paſſed, of which 8 are in force at this day.

Thirty-Ninth Seſſion, being the fourth Seſſion of the ſixth General Aſſembly, begun on the 5th day of March, A. D. 1789 : Page 265. In this Seſſion 17 Acts paſſed, of which 11 are in force at this day.

Fortieth Seſſion, being the fifth Seſſion of the ſixth General Aſſembly, begun on the 25th day of February, A. D. 1790 : Page 277. In this Seſſion 15 Acts paſſed, of which 8 are in force at this day.

Forty-Firſt Seſſion, being the ſixth Seſſion of the ſixth General Aſſembly, begun on the 6th day of June, A. D. 1791 : Page 283. In this Seſſion 17 Acts paſſed, of which 9 are in force at this day.

Forty-Second Seſſion, being the ſeventh and laſt Seſſion of the ſixth General Aſſembly, begun on the 6th day of June, A. D. 1792 : Page 290. In this Seſſion 15 Acts paſſed, of which 10 are in force at this day.

Forty-Third Seſſion, being the firſt Seſſion of the ſeventh General Aſſembly, met on the 20th.

days

day of March, A. D. 1793 : Page 308. In this Seſſion 19 Acts paſſed, of which 16 are in force at this day.

Forty-Fourth Seſſion, being the ſecond Seſſion of the ſeventh General Aſſembly, begun on the 6th day of June, A. D. 1794 : Page 331. In this Seſſion 17 Acts paſſed, of which 7 are in force at this day.

Forty-Fifth Seſſion, being the third Seſſion of the ſeventh General Aſſembly, begun on the 12th day of March, A. D. 1795 : Page 344. In this Seſſion 11 Acts paſſed, of which 7 are in force at this day.

Forty-Sixth Seſſion, being the fourth Seſſion of the ſeventh General Aſſembly, begun on the 3d day of March, A. D. 1796 : Page 365. In this Seſſion 18 Acts paſſed, of which 12 are in force at this day.

Forty-Seventh Seſſion, being the fifth Seſſion of the ſeventh General Aſſembly, begun on the 6th day of June, A. D. 1797 : Page 383. In this Seſſion 10 Acts paſſed, of which 8 are in force at this day.

Forty-Eighth Seſſion, being the ſixth Seſſion of the ſeventh General Aſſembly, begun on the 8th day of June, A. D. 1798 : Page 390. In this Seſſion 6 Acts paſſed, of which 4 are in force at this day.

Forty-Ninth Seſſion, being the ſeventh and laſt Seſſion of the ſeventh General Aſſembly, begun on the 7th day of June, A. D. 1799 : Page 396. In this Seſſion 16 Acts paſſed, of which 10 are in force at this day.

Fiftieth Seſſion, being the firſt Seſſion of the eighth General Aſſembly, met on the 20th day of February, A. D. 1800 : Page 419. In this Seſſion 19 Acts paſſed, of which 13 are in force at this day.

Fifty-Firſt Seſſion, being the ſecond Seſſion of the eighth General Aſſembly, begun on the 9th day of June, A. D. 1801 : Page 435. In this Seſſion 18 Acts paſſed, of which 12 are in force at this day.

Fifty-Second Seſſion, being the third Seſſion of the eighth General Aſſembly, begun on the 25th day of February, A. D. 1802 : Page 456. In this Seſſion 20 Acts paſſed, of which 11 are in force at this day.

Fifty-Third Seſſion, being the fourth Seſſion of the eighth General Aſſembly, begun on the 1ſt day of June, A. D. 1803 : Page 467. In this Seſſion 13 Acts paſſed, of which 6 are in force at this day.

Fifty-Fourth Seſſion, being the fifth Seſſion of the eighth General Aſſembly, begun on the 21ſt day of June, A. D. 1804 : Page 474. In this Seſſion 11 Acts paſſed, all of which are in force at this day.

THE

STATUTES AT LARGE

OF THE

PROVINCE OF NOVA-SCOTIA.

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.*

CAP. 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 purposes of this Act having been fulfilled the Title only is reprinted.

CAP. II.

An ACT for confirming Titles to Lands and quieting Possessions.

Acts which amend or alter this Act,
33d Geo. 2. cap. 3.
34th Geo. 2. cap. 4.
34th Geo. 2d cap. 8. sec. 3.
1st Geo. 3 cap. 3.
5th Geo. 3 cap. 8.
12th G. 3. cap. 5.
23d Geo. 3 cap. 9.
29th Ge. 3. cap. 9.
31st Ge. 3. cap. 10

BE *it enacted, by His Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted*, That all persons claiming or deriving any right or title to any lands or

* This Assembly was dissolved in 1759, after having sat two sessions:—At which time Charles Lawrence, Esq was Governor, Robert Monckton, Esq; Lieutenant-Governor, Jonathan Belcher, Esq; Chief-Justice, Robert Saunderson, Esq; Speaker of the House of Assembly, John Duport, Esq; Secretary of Council, and David Lloyd, Clerk of the House of Assembly.

Persons claiming titles to lands, &c. by virtue of grants deeds, or last wills to hold the same, according to the tenor thereof, and possessions by virtue thereof confirmed.

or tenements, by virtue of any grants or deeds entered in the public registry of this province, or by virtue of any last will or testament, shall have, hold, and enjoy such lands and tenements, according to the tenor and effect of such grants or deeds registered, and of such last will and testament, whether the estate be in his or their own right, or in right of, or in trust for another; and that all possessions by virtue thereof shall be, and are hereby confirmed, any want of legal form in such grants, deeds, or wills, notwithstanding.

No Papist to hold any lands, &c. other than by grants from the Crown.

II. *Provided*, That no Papist, hereafter, shall have any right or title to hold, possess, or enjoy, any lands or tenements, other than by virtue of any grant or grants from the Crown, but that all deeds or wills, hereafter made, conveying lands or tenements to any Papist, or in trust for any Papist, shall be utterly null and void: And such lands or tenements shall not revert to the persons granting the same to any Papist, or in trust for any Papist, but such lands or tenements shall, upon conviction of such Papist, be vested in His Majesty, his heirs and successors for ever.

Persons to whom grants or deeds of lands, &c. are made, to take the oaths before such grants, &c. are registered.

III. *And it is hereby enacted*, That before the registry of any grant or deed of any lands or tenements, other than by virtue of any grant or grants from the Crown, the person or persons to whom, or for whose use such grant or deeds are made, shall take the oaths appointed to be taken instead of the oaths of supremacy and allegiance, and make and subscribe the declaration, before the Register of the province or his deputy, who are hereby empowered to administer the same: And if any person shall refuse to take the said oaths, and subscribe the said declaration, the grants or deeds made to such persons shall be null and void to all intents and purposes whatsoever.

Provost Marshal's deeds under writs of execution confirmed.

IV. *And it is hereby further enacted*, That all deeds of sale of any lands or tenements, made by the Provost Marshal under writs of execution to him issued, for the satisfaction of any judgments, shall be and are hereby confirmed.

Lands sold under writs of execution may be redeemed within twelve months from the 2d of October, 1758.

V. *Provided nevertheless*, That it shall and may be lawful for any person or persons, whose lands have been taken in execution, and sold as aforesaid, his, her, or their heirs, within twelve months from the second day of October, 1758, to sue for and recover, by action in nature of an action of account, from the person or persons to whom the persons entitled to such lands or tenements were indebted, and for satisfaction of whose debts the said lands or tenements have been sold as aforesaid, upon payment in manner herein after directed, of the principal money due with interest for the same, at the rate of six pounds in the hundred for each year, and all costs and damages awarded or sustained by the said judgments, and also for all improvements of the said lands or tenements, and the Provost Marshal's proceedings thereon, with like interest for the principal money expended in such improvements, upon a just account to be taken of the same on any trial for the recovery of said lands or tenements, wherein a view, if required, shall be directed: And if upon such trial it shall appear in evidence, that such person or persons to whom the lands have been sold or conveyed as aforesaid, have committed wilful waste thereon, or have received rents or profits from the said lands or tenements, the said rents and profits, and the value of such waste, shall be allowed in account to the person so suing for the recovery of the said lands or tenements, and upon payment of said principal money and interest, and of all damages and costs for and on account of such debts and improvements, or upon taking such account of rents and profits, or the value of such waste, and payment of the balance due thereon, before any writ of execution shall issue upon any judgment upon such trial, to the Clerk of the court where such trial shall be had; that then, and in such case, it shall and may be lawful to award such writ of execution for delivering possession of such lands or tenements, to the persons so suing for the same; *Provided*, that if upon such trial it shall appear that the rents and profits received, or the value of such waste committed, or both of them, do exceed the value of the debt, interest, costs and damages, and the value of the improvements, that execution shall issue for recovering the said sum so received in rents and profits, or the value of such waste commited, beyond the value of such debt, interest, costs, and damages, together with the possession of the lands and tenements so taken in execution as aforesaid.

Purchasers of such lands to be accountable for wilful waste, rents or profits.

VI.

VI. *Provided nevertheless*, That any debtor or debtors, or his, or her heirs, upon payment, or tender of payment, within twelve months after said second day of October, 1758, of the consideration money really and *bonâ fide* paid by the last purchaser or purchasers under the Provost Marshal's deeds, of any lands or houses, with all charges for necessary repairs or alterations, shall and may be entitled to recover such lands and houses, so taken in execution and sold by the Provost Marshal as aforesaid.

Debtors may recover their lands on payment in 12 months from 2d Oct. 1758, of the consideration money paid by the last purchaser, with all charges.

VII. *Provided also*, That it shall and may be lawful nevertheless, to and for any debtor or debtors or his or her heirs, to have and prosecute an action of account, against his or her creditor or creditors notwithstanding.

Debtors may prosecute, an action of account.

VIII. *Provided also*, That all subsequent deeds and conveyances, made and executed by any, subsequent purchaser or purchasers under the Provost Marshal's deeds, since the said second day of October, 1758, within the space of one year only, for any greater sum than is expressed in such purchaser or purchaser's deed of assignment, shall and are hereby declared to be null and void to all intents and purposes whatsoever.

Deeds, &c. made by purchaser under Provost Marshal's deeds, in one year from 2d Oct. 1758, for a larger sum to be void.

IX. *Provided also*, That no sale shall hereafter be made of any lands or tenements, by the Provost Marshal, by virtue of any writ of execution.†

No lands to be sold by the Provost Marshal, &c.

X. *Provided also*, That neither this act, nor any thing herein contained, shall extend, or be construed to extend, to bar the title of any *feme covert*, or person *non compos mentis*, *imprisoned*, or in *captivity*; who shall be entitled to sue for and recover any such lands or tenements to which they are entitled, within one year after such impediment shall be removed.

Not to bar the title of any *feme covert*.

XI. *And be it further enacted, by the authority aforesaid*, That a resolution or act of the Governor and Council, dated the third of February, 1752, concerning the registry of lands in this province, and that all registers and all proceedings thereon, shall be, and the same are hereby ratified and confirmed.

Resolution of the Governor and Council for registry of lands, &c. confirmed.

XII. *Provided*, That the Register of deeds and conveyances in this province shall, for the future, in lieu of any memorial, register all deeds and conveyances in words at full length; for which he shall demand and receive such fees for registering as in like manner hath heretofore been allowed: and that upon proof of one credible subscribing witness, to the due execution of such deed or conveyance, the same shall accordingly be registered, without any other ceremony or form heretofore used; any former use or custom to the contrary in any wise notwithstanding.

Deeds to be registered at full length.

XIII. *And be it further enacted by the authority aforesaid*, That if any original deed shall be lost, and proof thereof in court being made, that then the registry or record of such deed or deeds, shall be allowed to be good evidence in any court of law or equity, within this province.

If deeds are lost the copy from the Registry to be allowed as evidence

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The Resolution or Act referred to and confirmed in the foregoing Act, is as follows:

IN Council the 3d February, 1752, *Resolved*, That a memorial of all deeds, conveyances, and mortgages, which from and after the first day of March next ensuing, shall be made and executed, of, or concerning, or whereby any honours, manors, lands, tenements, or hereditaments in the province of Nova-Scotia, may be any ways affected in law or equity, shall be registered in such manner as is herein after directed, and that every such deed and conveyance that shall, at any time, after the first day of March, in the year of our Lord one thousand, seven hundred and fifty two, be made and executed, shall be adjudged fraudulent and void, against any subsequent purchaser for valuable consideration, unless such memorial thereof shall have been registered as by this act is directed, before the registering the memorial of the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim.

After 1st March, 1752, a memorial of all deeds, &c. effecting lands, to be registered, as herein after directed, or such deeds shall be adjudged fraudulent.

II.

† *Vide* The effect of executions, 32d. Geo. II. Chap. 15, & 3d Geo. III. Chap. 8. 2d Session.

A memorial of deeds, &c. made before the 1st of March, 1752, shall be registered as herein after directed, or such deeds to be null and void.

II. That a memorial of all deeds, conveyances and mortgages, which shall have, before the first day of March aforesaid, in the year of our Lord one thousand seven hundred and fifty two, been at any time, made and executed, of, or concerning, or whereby any honours, manors, lands, tenements, or hereditaments, within the province of Nova-Scotia, may be any ways affected in law or equity, shall be registered in such manner as is herein after directed; and all such deeds, conveyances, and mortgages, which shall be omitted to be so registered, shall be null and void against any subsequent purchaser for valuable consideration.

Deeds, &c. of Lands, in County of Halifax, made before 1st March 1752. (and not registered before) to be registered as herein after directed, on or before 30th April, 1752. in any other part of the Province on or before 30th September, 1752.

III. That all such deeds, conveyances and mortgages, which shall have been made and executed before the said first day of March, in the year of our Lord one thousand seven hundred and fifty two, (and which have not been already registered in the public registry of the province) of, concerning, or which do any ways affect any honours, manors, lands, tenements, or hereditaments within the county of Halifax, within the said Province, shall be registered in manner as is herein after mentioned, on or before the thirtieth day of April next: And that all such deeds, conveyances and mortgages, of, concerning, or which do any ways affect, any honours, manors, lands, tenements, or hereditaments, within any other part of the said province of Nova-Scotia, shall be registered in manner as herein after expressed, on or before the thirtieth day of September next ensuing.

A further reasonable time to be allowed by the Governor and Council to persons out of the province.

IV. *Provided always*, That in case any person or persons, possessed of any such deed, conveyance, or mortgage, made and executed before the aforesaid first day of March next, shall not be within the said Province, before the expiration of the respective terms before mentioned, such further reasonable time shall be allowed for the registering thereof, as the Governor and Council of the said Province shall think fit.

Memorials to be registered at Halifax.

V. That the memorials of the deeds, conveyances, and mortgages, before mentioned, shall be registered in the office of the public Register of the Province at Halifax.

Memorials to be registered, to be put in writing under hand and seal of the grantor.

VI. That all memorials so to be entered and registered, shall be put into writing, and brought to the said office, under the hand and seal of some or one of the grantors or some or one of the grantees, his or their heirs, executors or administrators, guardians, or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed, conveyance, or mortgage, which witness shall, upon oath, before the Register for the said Province for the time being, or his deputy, prove the signing and sealing of such memorial, and the execution of the deed, conveyance, or mortgage, mentioned in such memorials, (which oath the said Register for the time being, or his deputy, are hereby empowered to administer) and the said Register, or his deputy, shall indorse a certificate thereof, on every such memorial, and sign the same.

Certificate to be indorsed and signed by register on all Memorials.

Proviso in case of death of the witnesses.

VII. *Provided nevertheless*, That if it shall so happen that both or all the witnesses to any deed, conveyance or mortgage, by this act required to be registered, shall be dead or gone out of the Province, before the expiration of the time hereby directed for the registering such deeds, conveyances, and mortgages, then the said memorial to be registered, shall be executed by some or one of the grantors or grantees named in the original deed, conveyance or mortgage, his or their heirs, executors or administrators, in the presence of two other credible witnesses, one of which witnesses to such memorial shall, on his oath, before the said Register or his deputy, prove the signing such memorial by some or one of such grantors or grantees, his or their heirs, executors, or administrators (which oath the said Register or his deputy are hereby empowered to administer) and the said Register or his deputy shall indorse a certificate thereof, on such memorial and sign the same.

The contents of memorials to be registered.

VIII. That every memorial, of any deed, conveyance, or mortgage, shall contain the day of the month, and the year when such deed, conveyance, or mortgage bears date; the names and additions of all the parties to such deed, conveyance, or mortgage, and the places of their abode; and shall express or mention the honours, manors, lands, tenements, or hereditaments, contained

in

in such deed, conveyance or mortgage, and the names of the parishes, townships, hamlets, precincts, or extra-parochial places, within the said county, where any such honors, manors, lands, tenements or hereditaments, are lying or being, that are given, granted or conveyed, or any way affected or charged by any such deed, conveyance, or mortgage, in such manner as the same are expressed or mentioned in said deed, conveyance, or mortgage, or to the same effect.

Original deeds, &c. to be produced to the Register, who shall endorse a Certificate thereon.

IX. And every such deed, conveyance, or mortgage, of which the memorial is to be so registered, shall be produced to the said Register or his deputy, at the time of entering such memorial, who shall endorse a certificate on every such deed, conveyance, or mortgage, and therein mention the certain day, hour and time, on which such memorial is so entered, which certificate, so endorsed, shall also be signed by the said Register or his deputy.

Certificates to be allowed as evidence.

X. Which certificates shall be taken and allowed as evidence of such respective registeries in all courts of record in the said province and every page of such registry books, and every memorial that shall be entered therein, shall be numbered, and the day of the month, and the year, and hour or time of the day, when such memorial is registered, shall be entered in the margins of the said registry books, and in the margins of the said memorials. And the Register or his deputy shall keep an alphabetical calendar of all parishes, extra-parochial places and townships, within the said county, with reference to the number of every memorial that concerns the honours, manors, &c. in every such parish, extra-parochial place, or township respectively, and of the names of the parties mentioned in such memorial. And the Register or his deputy shall duly file every such memorial in order of time, as the same shall be brought to the said office, and enter or register the said memorials in the same order as they respectively come to his hands.

Method of registering.

and filing.

Register's fees.

XI. That the Register for the time being, or his deputy, shall be allowed, for the entry of every such memorial, as is by this act directed to be registered, the sum of one shilling, and no more, in case the same do not exceed two hundred words; and if more, then after the rate of sixpence an hundred for all the words contained in such memorial, over and above the first two hundred words; and the like fees for the like number of words contained in every certificate or copy given out of the said office, and no more; and for every search in the said office, one shilling and no more.

Penalty on forgery,

XII. That if any person or persons shall, at any time, forge or counterfeit any entry of the acknowledgement of any such memorial, certificate or endorsement, as is herein mentioned or directed to be made, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties, as in and by an act of parliament made in the fifth year of Queen Elizabeth, (entitled an act against forgers of false deeds and writings) are imposed upon persons for forging and publishing of all false deeds, charters or writings sealed, court rolls, or wills, whereby the freehold or inheritance of any person or persons of, in, or unto any lands, tenements or hereditaments, shall or may be molested, troubled or charged. And that if any person or persons shall, at any time, forswear him or themselves, before the said Register for the time being, or his deputy, in any of the cases herein mentioned, and be thereof lawfully convicted, such person and persons shall incur, and be liable to the same penalties, as if the same oath had been made in any court of record within this province.

and perjury.

In case of mortgages being satisfied, and a certificate thereof produced and proved upon oath, before the Register,

XIII. That in case of mortgages, whereof memorials shall be entered in the Register's office as before mentioned pursuant to this act, if at any time afterwards, a certificate shall be brought to the said Register or his deputy, signed by the mortgagee or mortgagees, his, her, or their executors, administrators or assigns, and attested by two witnesses, whereby it shall appear that all monies, due upon such mortgage, have been paid or satisfied in discharge thereof, which witnesses shall, upon their oaths before the said Register or his deputy, (who are hereby respectively empowered to administer such oath) prove such monies to be satisfied or paid accordingly, and that they saw such certificate signed by the said mortgagee or mortgagees, his, her, or their heirs, executors, administrators, or assigns, that then and in such case, the said Register or his deputy

An entry to be made thereof, in the margin of the regiſtry books againſt the regiſtry of the memorial of mortgage.

ſhall make an entry in the margin of the ſaid regiſtry books, againſt the regiſtry of the memorials of ſuch mortgage, that ſuch mortgage is ſatisfied and diſcharged, according to ſuch certificate to which the ſame entry ſhall refer, and ſhall afterwards file ſuch certificate, to remain upon record in the ſaid office.

Public act.

XIV. That this Act ſhall be taken and allowed in all courts within this province, as a public act, and all judges, juſtices, and other perſons therein concerned, are hereby required to take ſuch notice thereof, without ſpecial pleading of the ſame.

Acts in amendment of this act.
1 Geo. 3. Cap. 1.
19 Geo. 3. Cap. 10

CAP. III.

An ACT directing the proceedings againſt forcible entry or detainer.

Eng. Stat. 8. H. 6. C. 9. Carthew 496
Perſons making any forcible entry into houſes, &c. to be arreſted by warrant from a juſtice,

BE *it enacted by His Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That upon complaint on oath, made to any juſtice of the peace of this province, of any wrongful and forcible entry made into any houſes, lands, tenements, or other poſſeſſions, lying within any town or place in this province, where ſuch juſtice reſides, or of any wrongful detainer, or withholding with force after poſſeſſion demanded, of any houſes, lands, tenements, or other poſſeſſions, every ſuch juſtice ſhall, by warrant under his hand and ſeal, directed to the conſtables of ſuch town, cauſe ſuch offender or offenders to be arreſted and detained in cuſtody, until he, ſhe, or they, find ſufficient ſecurities for his, her, or their perſonal appearance, at the next General Seſſions of the Peace, there to anſwer ſuch complaint, and for want of ſuch ſecurity, to be committed to priſon.

and bound to appear at next Seſſions of the Peace, to anſwer ſuch complaint.

Juſtices in ſeſſions to enquire of ſuch forcible entry,

II. *And be it further enacted*, That the juſtices of the ſaid General Court of Seſſions, ſhall have full power and authority, by virtue of this act to enquire by the oath of the party grieved, and other credible proof, as well of him, her, or them as make ſuch forcible entry into houſes, lands, tenements or other poſſeſſions, as of him, her, or them, as detain and hold the ſame with force as aforeſaid: And if it ſhall be found by the jury, then and there returned and ſworn, that a forcible entry is made into any houſes, lands, tenements or poſſeſſions, or that the ſame are detained and held with force as aforeſaid, then the ſaid juſtices, by warrant under the hand of the clerk of the ſaid court, directed to the Provoſt Marſhal or his deputy, ſhall cauſe the ſame houſes, lands, tenements or other poſſeſſions, within fourteen days after ſuch trial had, to be re-ſeized, and thereof the party to be again put into poſſeſſion, who in ſuch ſort was put out or holden out, wherein no appeal ſhall be allowed to ſuch offender or offenders. And moreover the party grieved ſhall and may by action of treſpaſs, recover treble damages and coſts of ſuit againſt ſuch offender or offenders, any law, uſage, or cuſtom to the contrary notwithſtanding.

and if proved to the ſatisfaction of the jury,

the party to be again put into poſſeſſion of ſuch lands, &c.

and recover treble damages and coſts.

Eng. Stat. 31 Eliz. Cap. 11.
Not to extend to Perſons who have been poſſeſſed of lands, for the ſpace of 3 years.

III. *Provided always*, That this Act ſhall not extend or be conſtrued to extend unto any perſon or perſons, that have had the occupation, or have been in quiet poſſeſſion of any lands, tenements or poſſeſſions, by the ſpace of three whole years together next before, and his, her, or their eſtate or eſtates therein not ended or determined.

CAP.

Under the Engliſh Statutes it has been adjudged,
1ſt. What acts amount to a forcible entry or detainer, vide 1ſt. *Hawk. P. C.* 145 and 146; and *Dalton* 299; *Dyer* 122 and 187.
2d. What do not amount to a forcible entry or detainer, vide *Brooke's Ab. Tit. Dureſs* 12. 16; 1 *Inſt.* 257; 2 *Inſt.* 235; 1 *Salk.* 356; *Cro. Ja.* 18; 1 *Hawk. P. C.* 147; *Dalt.* 300, 315, 316.
3d. On what poſſeſſions forcible entry or detainer may be committed, vide *Cro. Ja.* 41. *Cro. Cha.* 201, 486; 1 *Lev.* 99; 1 *Mod.* 73.
4th. The manner of awarding reſtitution, vide 1 *Hawk. P. C.* 152; *Co. Litt.* 323; *Dalt.* 314; 1 *Vent.* 308.
5th. What ſhall be bars to reſtitution and of ſuperſeding execution of the ſame, vide 1 *Hawk. P. C.* 152, 154; *Dalt.* 79, 81, 84.

CAP. IV.

An ACT to prohibit the erecting of Distilling Houses, or setting up Stills within the Town of Halifax, or within one quarter of a mile of the present lines or pickets of the said Town.

BE *it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted*, That from and after the publication hereof, no person or persons whatsoever, shall erect any Distilling Houses, or set up any Stills for distilling of cordial waters, or any spirituous liquors, within the Town of Halifax, or within one quarter of a mile of the present lines or pickets of said Town on pain of forfeiting the sum of one hundred pounds, for every Still so set up, and Distilling House so erected: to be recovered by bill, plaint, or information, in any of His Majesty's courts of record within this province; one fourth part to the informer or prosecutor, the remainder to the uses of the government; and the said Stills shall be deemed and adjudged to be a public nuisance, and shall be accordingly removed.

No Distilling Houses or Stills to be erected within the Town of Halifax, or within a quarter of a mile of the picketed lines, on penalty of £.100.

Such Stills deemed public nuisances,

CAP. V.

An ACT for the establishment of religious public Worship in this Province, and for suppressing Popery.

Acts in amendment of this act, 2 sess. 33 Geo. 2 cap. 3 and 10. 34 Geo. 2. cap. 10 1 Geo. 3. cap. 1. 7 & 8 Geo. 1. c. 1. 23 Geo. 3. cap. 9. 39 Geo. 3. cap. 2. 40 Geo. 3. cap. 6

FORASMUCH *as His Majesty upon the settlement of the Province, was pleased, in His pious concern for the advancement of GOD's glory, and the more decent celebration of the divine ordinances amongst us, to erect a Church for religious worship, according to the usuage of the Church of England; in humble imitation of his Royal example, and for the more effectual attainment of his Majesty's pious intentions; that we might in the exercise of religious duties, be seeking for the divine favour and protection, be it therefore enacted by his Excellency the Governor, Council and Assembly*, That the sacred rites and ceremonies of divine worship, according to the liturgy of the Church established by the laws of England, shall be deemed the fixed form of worship amongst us, and the place wherein such liturgy shall be used, shall be respected and known by the name of the Church of England as by law established. And that for the preservation of purity and unity of doctrine and discipline in the church, and the right administration of the sacraments, no minister shall be admitted to officiate as a minister of the Church of England, but such as shall produce to the Governor, a testimonial, that he hath been licenced by the Bishop of London, and shall publickly declare his assent and consent to the book of common prayer, and shall subscribe to be conformable to the orders and constitutions of the Church of England, and the laws there established; upon which the Governor is hereby requested to induct the said minister into any parish that shall make presentation of him. And if any other person pretending himself a minister of the Church of England, shall, contrary to this act, presume to teach or preach publicly or privately, the Governor and Council are hereby desired and empowered to suspend and silence the person so offending.

Preamble.

Liturgy of the Church of England established.

No minister to officiate without a certificate from the Bishop of London.

Others to be silenced.

II. *Provided nevertheless*, and it is the true intent and meaning of this act, that Protestants, dissenting from the Church of England, whether they be Calvinists, Lutherans, Quakers, or under what denomination soever, shall have free liberty of conscience, and may erect and build meeting houses for public worship, and may choose and elect ministers for the carrying on divine service and administration of the sacraments, according to their several opinions: and all contracts made between their ministers and their congregations for the support of the ministry, are hereby declared valid, and shall have their full force and effect, according to the tenor and conditions thereof;

Protestant dissenters excepted;

and excuſed from rates for the eſtabliſhed church.

thereof; and all ſuch Diſſenters ſhall be excuſed from any rates or taxes to be made and levied for the ſupport of the eſtabliſhed Church of England.

Eng. Stat. 11 & 12 *Wil.* 3d, c. 4. *ſec.* 3 Popiſh Prieſts to depart the province before 25th March, 1759, on pain of perpetual impriſonment. Eſcape to be deemed felony.

III. *And be it further enacted*, That every popiſh perſon, exerciſing any eccleſiaſtical juriſdiction, and every popiſh prieſt or perſon exerciſing the function of a popiſh prieſt, ſhall depart out of this province on or before the twenty-fifth day of March, 1759. And if any ſuch perſon or perſons ſhall be found in this province after the ſaid day, he or they ſhall, upon conviction, be adjudged to ſuffer perpetual impriſonment: and if any perſon or perſons ſo impriſoned, ſhall eſcape out of priſon, he or they ſhall be deemed and adjudged to be guilty of felony without benefit of clergy.

Eng. Stat. 27 *Eliz. cap.* 2.

Perſons harbouring popiſh prieſts to forfeit £. 50.

IV. *And be it further enacted*, That any perſons, who ſhall knowingly harbour, relieve, conceal, or entertain any ſuch clergyman of the popiſh religion, or popiſh prieſt, or perſons exerciſing the function of a popiſh prieſt, ſhall forfeit fifty pounds, one moiety to his Majeſty for the ſupport of his government in this province, and the other moiety to the informer, and ſhall be alſo adjudged to be ſet in the pillory, and to find ſureties for his good behaviour at the diſcretion of the court.

Offences tried at ſupreme court or by ſpecial commiſſion of oyer and terminer.

V. *And be it enacted*, That every offence againſt this act, ſhall and may be inquired of, heard and determined, at his Majeſty's Supreme Court of Aſſize, and General Gaol Delivery, or by a ſpecial commiſſion of Oyer and Terminer.

Any juſtice of the peace may commit popiſh prieſts or perſons harbouring them, and bind the witneſſes to appear.

VI. *And be it further enacted*, That it ſhall and may be lawful for any juſtice of the peace, upon information by oath, or any reaſonable cauſe of ſuſpicion, to iſſue his warrant for apprehending any ſuch popiſh eccleſiaſtical perſon, popiſh prieſt, or perſon exerciſing the function of a popiſh prieſt, or any perſons knowingly harbouring, relieving, concealing or entertaining, them or any of them, and to commit any ſuch perſon or perſons reſpectively, who ſhall ſo offend againſt this act, to his Majeſty's goal, for trial as aforeſaid, and to require ſureties for the appearance of the witneſs or witneſſes, againſt any offender or offenders, upon ſuch trial; and to make return of his proceedings to ſuch court on the information of ſuch witneſſes, and the examination of any offender or offenders.

Not to extend to ſuch Romiſh eccleſiaſtical perſons as are ſent into the province as priſoners of war, or driven in by ſhipwreck.

VII. *Provided nevertheleſs*, That this Act ſhall not extend, or be conſtrued to extend to any ſuch Romiſh eccleſiaſtical perſons, who ſhall be ſent into the province as priſoners of war, or who ſhall by ſhipwreck or any other diſtreſs or neceſſity, be driven into the province, ſo as that ſuch priſoners of war do not eſcape before they can be ſent out of the province, or that ſuch perſons arriving through neceſſity as aforeſaid, depart out of the province as ſoon as there may be opportunity; and that they alſo forthwith after their arrival, attend the Governor or Commander in Chief of the province for the time being, if near the place of his reſidence, or otherwiſe a juſtice of the peace, and repreſent the neceſſity of their arrival, and obey ſuch directions as the ſaid Governor, Commander in Chief or Juſtice ſhall give them for their departure; and ſo as that neither the ſaid priſoners of war, nor the ſaid perſons arriving through ſuch neceſſity, ſhall exerciſe any eccleſiaſtical juriſdiction, or any part of the function of a popiſh prieſt, during his or their abode in the province, in which caſe he or they ſhall be liable to the penalties of this Act.

CAP. VI.

This act has been repealed by the act of 35 Geo. 3.

An ACT for eſtabliſhing and regulating a MILITIA.

CAP. VII.

Repealed by His Majeſty in Council.

An ACT for eſtabliſhing the rate of Spaniſh Dollars, and the intereſt of Money within this Province.

CAP.

CAP. VIII.

An Act for erecting a Light-House at the entrance of the harbour of Halifax.

This Act has been executed.

CAP. IX.

An ACT for erecting a House of Correction, or Work-House, within the Town of Halifax.

This Act has been executed.

CAP. X.

An ACT to prevent forestalling the Market.

Acts which have reference to the same subject, 6th Geo. 3d. cap. 6, 18th Geo. 3d. cap. 5. 19 Geo. 3d cap. 6. sec. 3. 4 and 5. 38th Geo. 3d. 35th Geo. 3d. cap. 1. 40th Geo. 3d.

WHEREAS *large quantities of live stock, fresh provision, and other articles are imported into this province for sale from the neighbouring colonies, and divers persons make a practice of engrossing the same immediately upon the arrival thereof, to the great prejudice of the inhabitants; Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That all kinds of live stock, (oxen and sheep excepted) all dead fresh provision, grain, hay, roots, or garden stuff, which shall be imported for sale into any port of this province, after publication hereof, shall, by the importers thereof, be brought to some public wharf, and there openly exposed to sale, for forty eight hours; and public notice shall be given thereof through the town or place where the same shall be so imported, by the common cryer: And no such live stock or dead fresh provision whatsoever, grain, hay, roots, or garden stuff, shall, during the said forty eight hours be sold, or contracted for in gross, to or with any person or persons whatsoever, on penalty of the forfeiture of the article or articles so sold or bought, or contracted for, or the value thereof, upon conviction by the oath of one credible witness before any two of his Majesty's justices of the peace, to be levied by warrant of distress, under the hands and seals of the said justices; one half of such forfeitures to be to the use of the informer, and the other half to the use of the poor of the place where such forfeiture shall be incurred.

Live stock, dead fresh provisions, &c. to be exposed to sale 48 hours on some public wharf

Notice to be given thereof by the Crier

Not to be engrossed on pain of forfeiting the value

II. *Provided always*, That nothing in this act shall be construed to extend to the importation of flour of all kinds, biscuit bread, or fish.

Not to extend to flour, biscuit or fish.

III. *Provided also*, That in case any dead fresh provision shall, at any time be imported, which by the length of the passage, or other accident, shall be perishing, or in a decaying condition, That then, upon application of the importer to two of his Majesty's justices of the peace, setting forth upon oath, such the condition of the provision so imported, such justices may, and they are hereby impowered, under their hands and seals, to grant permission to such importer, immediately, to sell and dispose of such provision in the speediest manner, any thing in this act contained to the contrary notwithstanding.

Dead fresh provision, perishing excepted

IV. *And be it further enacted*, That all prosecutions under this act, shall be within ten days after the offence committed.

Prosecution within ten days

CAP. XI.

An ACT relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates.

Acts in addition to or amendment of this Act, 32d. Geo. 2d. cap. 26, sec. 1, 2, 9, 32d. Geo. 2d. cap. 18, sec. 6. and 7 34th Geo. 2d. cap. 5. 12th Geo. 3d. cap. 1. 30th Geo. 3d. cap. 5

BE it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That every person shall have power to give and devise, by his

Eng. stat. 34 and 35. H. 8, c. 5. sect. 4, 14. 29. Car. 2. c. 3, sect. 5, 6.

Any person may by their last will devise lands, &c.

3. Lev. 86. Carthew 185. 514. 3 Mod. 218. 262.

Feme covert, &c. excepted

or her last will and testament in writing, and signed by the party so giving and devising, or by some other person in his presence, and by his express directions, and attested and subscribed, in the presence of the devisor, by three or more credible witnesses, any lands, tenements, or hereditaments, whereof he or she shall, at the time of his or her so giving or devising the same by such will, be lawfully seized, either of a sole estate in fee simple, or of any estate in coparcenary, or in common in fee simple, in possession, reversion, or remainder, as much as in him of right is, to the said lands, tenements, and hereditaments, or in like manner to devise any rents or profits out of the same at his pleasure. *Provided*, that wills made of any lands, tenements or hereditaments, or any rents or profits out of the same, by any woman covert, or person within the age of twenty one years, idiot, or of unsound mind, shall not be good in law.

No devise in writing to be revocable but by another will, &c.

3. Mod. 260

II. *And be it further enacted*, That no devise in writing, of any lands, tenements, or hereditaments, shall be revocable, otherwise than by some other will or codicil in writing, or other writing signed in the presence of three or more witnesses, declaring the same, or by burning, cancelling, tearing or obliterating the same by the testator himself, or in his presence, and by his directions and consent.

Eng. stat. 29. Car. 2, c. 3, sec. 19.

Nuncupative will

III. *And be it further enacted by the authority aforesaid*, That from and after the first day of January, in the year of our Lord one thousand seven hundred and fifty nine, no nuncupative will shall be good, where the estate thereby bequeathed, shall exceed the value of thirty pounds, that is not proved by the oath of three witnesses (at the least) that were present at the making thereof, nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them bear witness, that such was his will, or to that effect; nor unless such nuncupative will was made in the time of the last sickness of the deceased, and in the house of his or their habitation or dwelling, or where he or she hath been resident, for the term of ten days or more, next before the making of such will, except where such person was surprised or taken sick, being from his own house, and died before he returned to the place of his or her dwelling.

Eng stat. 29, Car. 2. c. 3. sec 20.

Not to be proved after six months, unless, &c.

IV. *And be it further enacted*, That after six months past after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony or the substance thereof, be committed to writing, within six days after making the said will.

Eng. stat. 29 Car. 2. c. 3. sec. 21.

Letters, Testamentary, &c. not to pass any Court till 14 days after the testator's decease

Eng. stat. 4 & 5. An. c. 16. sec. 14

V. *And be it further enacted*, That no letters testamentary or probate of any nuncupative, will, shall pass the seal of any court till fourteen days, at the least, after the decease of the Testator be fully expired, nor shall any nuncupative will be at any time received to be proved, unless process have first issued to call in the widow, or next of kindred to the deceased, to the end they may contest the same; and all such witnesses as ought to be allowed to be good witnesses upon trials at law, shall be deemed good witnesses to prove any nuncupative will, or any thing relating thereunto.

Eng. stat. 29. Car. 2. c. 3. sec. 22. and 23.

No will in writing concerning personal estate, to be repealed, or changed by word of mouth.

Soldiers and seamen excepted.

Not to extend to the probate of wills, vested in Governor.

Eng. stat. 29. Car. 2. c. 3. sec.

VI. *And be it further enacted*, That no will in writing, concerning any personal estate shall be repealed, nor shall any clause, devise or bequest therein, be altered or changed by words or will, by word of mouth only, except the same be, in the life of the testator, committed to writing, and, after the writing thereof, read unto the testator, and allowed by him, and proved to be so done, by three witnesses at the least. *Provided nevertheless*, That any soldier, being in actual military service, or any mariner or seamen, being at sea, may dispose of his moveables, wages, and personal estate, as they might have done before the making this act, and that nothing in this act shall alter the jurisdiction or right of probate of wills, concerning personal estates vested in the Governor, or Commander in Chief for the time being, who shall retain the same right and power as they had before in every respect, subject nevertheless to the rules and directions of this act.

VII.

VII. *And be it further enacted, by the Authority aforeſaid,* That if any executor or executors of the will of any perſon deceaſed, knowing of their being ſo named and appointed, ſhall not within the term of thirty days next after the deceaſe of the teſtator, cauſe ſuch will to be proved and recorded in the regiſter's office, of the ſame county where the deceaſed perſon laſt dwelt, or preſent the ſaid will, and declare his or their refuſal of the executorſhip; every executor ſo neglecting his or her truſt and duty in that behalf, (without juſt excuſe made and accepted for ſuch delay) ſhall forfeit the ſum of five pounds every month, from and after the expiration of the ſaid thirty days, until he or they ſhall cauſe probate of ſuch will to be made, or preſent the ſame as aforeſaid: Every ſuch forfeiture to be had and recovered by action of debt, in the inferior court of common pleas in the ſame county, at the ſuit of any of the heirs or creditors, and for the uſe of him or them that ſhall inform and ſue for the ſame. And upon any ſuch refuſal of the executor or executors, the judge ſhall commit adminiſtration of the eſtate of the deceaſed, with the will annexed, unto the widow, or next of kin to the deceaſed, and upon their refuſal, to one or more of the principal creditors as he ſhall think fit.

Executors knowing of their being appointed, to prove wills in 30 days, &c. on penalty of 5l. per month

Eng. ſtat. 21. H. 3. c. 5. ſec. 3

Upon the Executor's refuſal, the Judge to commit adminiſtration to the widow, or next of kin, and on their refuſal, to principal creditors

VIII. *And be it further enacted,* That if any perſon or perſons ſhall be found guilty of ſuppreſſing any laſt will and teſtament, ſuch perſon or perſons ſhall be ſubject and liable to the ſame penalty, as by this Act is preſcribed for perſons neglecting to prove any laſt will or teſtament.

Penalty for ſuppreſſing wills

IX. *And be it further enacted,* That where any certain legacy is or ſhall be bequeathed and given by any perſon in his or her laſt will and teſtament, as alſo where any reſiduary or uncertain legacy is, or ſhall, by the account of any executor, be reduced to a certainty every ſuch legacy and legacies as aforeſaid may be ſued for and recovered at the common law, any law, cuſtom or uſage to the contrary notwithſtanding.

Legacies aſcertained, recoverable at the common law

X. *And be it further enacted,* That henceforth every executor named in any will taking upon him that charge by proving ſuch will within the ſpace of three months next after probate thereof, (or at ſuch further and longer time, as the Judge of probate ſhall ſee meet to allow, the circumſtances of any eſtate requiring the ſame) ſhall exhibit into the Regiſter's office, upon oath, a full and true inventory of the whole eſtate of the deceaſed, ſo far as is then come to his hands and knowledge; and ſhall add thereto what and ſo much may further afterwards appear, on pain of forfeiting five pounds for every month's neglect thereof afterward, as is by law provided for not preſenting a will, and to be recovered in like manner. *Provided nevertheleſs,* That in wills where, after the payment of debts, and of any certain particular legacy or legacies, the reſidue or remainder of the eſtate is bequeathed generally to any one or more perſons, other than the executors themſelves; in every ſuch caſe, an inventory of the eſtate ſhall be preſented upon oath as aforeſaid, and the executors ſhall be liable to account as adminiſtrators are, by law, obliged to do.

Executors to exhibit an inventory of the eſtate of the deceaſed, within 3 months after probate, on pain of 5l. for every month's neglect,

and liable to account in like manner as adminiſtrators

XI. And any executor being a reſiduary legatee, may bring his action of account againſt his co-executor or executors, of the eſtate of the teſtator, in their hands, and may alſo ſue for and recover his equal and rateable part thereof. And any other reſiduary Legatee ſhall have like remedy againſt the executors.

Reſiduary legatee may bring action of account againſt executors

XII. *And be it further enacted,* That when and ſo often as it ſhall happen that any perſon, dies inteſtate, upon application of the widow or next of kin to the inteſtate, within thirty days after the death of ſuch inteſtate, the ſaid judge of probate ſhall grant letters of adminiſtration to ſuch widow or next of kin: And in caſe they neglect to apply within the ſaid thirty days, upon firſt citing ſuch widow or next of kin, and their refuſal to accept the ſame, ſuch judge of probate ſhall grant adminiſtration to ſuch perſon or perſons as he ſhall judge fit, and he ſhall thereupon take bond with ſureties, in manner as is directed by the ſtatute of the twenty ſecond and twenty third of Charles the Second, chapter the tenth, entitled, an Act for the better ſettling inteſtate eſtates; and ſhall and may proceed to call ſuch adminiſtrators to account

Adminiſtration, Eng. ſtat. 22 and 23. Car. 2. c. 10. ſec. 2. Vaughan 99

account for, and touching the goods of the intestate: And upon due hearing and consideration thereof, (debts, funeral, and just expences of all sorts, being first allowed) the said judge shall, and hereby is fully impowered, to order and make a just distribution of the surplusage, or remaining goods and estate, as well real as personal, in manner following, *That is to say*, one third part of the personal estate, to the wife of the intestate for ever, besides her dower in the houses and lands during life, where such wife shall not be otherwise endowed before marriage; and the said judge, having appointed guardians in manner as hereafter may or shall be by law prescribed for all minors, shall then, out of all the residue of such real and personal estate (*a*) distribute two shares or a double portion to the eldest son than surviving, (where there is no issue of the first born, or of any other elder son) and the remainder of such residue equally to and amongst his other children, and such as shall legally represent them; *Provided*, that children advanced by settlement or portions not equal to the others share, shall have so much of the surplusage, as shall make the estate of all to equal, except the eldest son then surviving (where there is no issue of the first born, or of any other elder son) who shall have two shares or a double portion of the whole.

and distribution of estates of intestates

XIII. *And be it further enacted*, That such estate wherewith such child or children, have been advanced in the life time of the intestate, shall be accounted for upon the oath of such child or children, before such Judge of probate and wills, and for granting letters of administration, or by other evidence to the satisfaction of the Judge; and in case of refusal to account upon oath, such child or children, so refusing, shall be debarred of any share in the estate of the intestate.

Children advanced in the life time of the intestate

XIV. *And it is hereby enacted*, That the division of such lands or tenements, shall be made by five sufficient freeholders upon oath, or any three of them, to be for that purpose appointed and sworn by the Judge. *Provided nevertheless*, that if all the parties interested in such lands or tenements, being of lawful age, shall, by deed, agree to a division, such agreement being acknowledged before the Judge by the parties subscribing and sealing the Deed, the said Deed being entered on record in the Probate office, shall be deemed a legal and valid partition and settlement of such estate, as effectually to all intents as if the same had been divided and settled by writ of partition, and be received and allowed in evidence, on any trial against the parties so interested in the said lands and tenements.

Division of lands

XV. *Provided nevertheless*, That where any estate in houses and lands cannot be divided among all the children, without great prejudice to the whole, the said judge may, on evidence of the same, order the whole unto the eldest son, or, upon his refusal, to any other of the sons successively; he paying unto the other children of the deceased, their equal and proportionable parts or shares of the true value of such houses and lands, upon a just appraisement thereof, to be made by three sufficient freeholders upon oath, to be appointed and sworn as aforesaid, or giving good security to pay the same in some convenient time, as the said Judge shall limit, making reasonable allowance in the mean time, not exceeding six pounds by the hundred in the year. And if any of the children happen to die, before he or she come of age, or be married, the portion of such child deceased, shall be equally divided among the survivors. And in case there be no children, or any legal representatives of them, then one moiety of the personal estate shall be allotted to the wife of the intestate for ever, and one third of the real estate for term of life. The residue both of the real and personal estate, equally to every of the next of kin of the intestate in equal degree, and those who legally represent them. No representatives to be admitted among collaterals after brother's and sister's children. And if there be no wife, all shall be distributed among the children, and if no

Of estates in houses and lands, which cannot be divided without prejudice to the whole

Of portions of children dying unmarried or under age

1 Vent. 316

(*a*) Respecting the distribution of personal estate, vide 22 & 23. Car. II. c. 10. sec. 4. 1 Vern. 465. 2. Mod. 20. 101. 3 Mod. 58. Shower, 25. As to the distribution of inheritances different from the course of descents at common law, this Act was founded upon Acts of Assemblies in other Colonies, particularly of the Massachusetts-Bay, which Act, upon solemn hearing and argument before His Majesty in Council, about the year 1735, in the case of Philips and Savage, by appeal from decree of the Governor and Council of that province, was judicially ratified and confirmed.

no child, to the next of kin to the intestate in equal degree, and their legal representatives as aforesaid, and in no other manner whatsoever. And every one to whom any share shall be allotted, shall give bond with sureties before the said Judge of Probate, if debts afterwards be made to appear, to refund and pay back to the administrator, his or her rateable part thereof, and of the administrators charges.

1. Salk. 250. Raym. 496

XVI. *And it is hereby enacted*, That the lands and tenements wherewith any widow shall be so endowed as aforesaid, shall, after the decease of such widow, be divided in like manner as by this Act is directed.

Widow's dower after her death to be divided in like manner

XVII. Saving to any person aggrieved at any order, sentence, or decree made for the settlement and distribution of any intestate estate, their right of appeal unto the Governor and Council: Every person so appealing, giving security to prosecute the appeal with effects Provided that such appeal be made within thirty days after sentence by the Judge of Probate.

Persons aggrieved may appeal to the Governor and Council

XVIII. *And be it further enacted*, That all such estate, real or personal, as is not comprised in any last will and testament, or is not plainly devised or given by the same, shall be distributed in the same manner as intestate estates are directed to be distributed by this Act.

Estates not comprised in any last will to be distributed as intestate estates

XIX. *And be it further enacted*, That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary by any executor or administrator to make sale of any part of the real estate of the deceased, for the payment of any debts or legacies, such executor or administrator shall apply to the General Assembly to grant a licence for the sale of such part of such real estate, as may be most convenient for the payment of such debts or legacies, and before any sale be made of any real estate, the executor or administrator shall give thirty days public notice, by posting up notifications in the most public places in the town where the deceased person last dwelt, and in the public prints, if any such there be; and whoever will give most shall have the preference in such sale. And in case the estate of such intestate shall be insolvent, the executor or administrator shall make like application to the General Assembly for an inquiry, and for the appointment of commissioners to inquire into such insolvency, and to examine and settle the claims of all creditors, and the amount of the estate of such insolvent, and to authorize such executor or administrator to sell all the lands and tenements of such insolvent, and to divide the produce of the whole of such estates in due proportion to and among the creditors.

Where personal assets are deficient real estate shall be sold for payment of debts and legacies

In case of insolvent estates, the General Assembly shall appoint Commissioners to settle the claims of creditors, and to sell real estate to pay them

For the construction of wills by the common and civil law, vide Swineburn's treatise of testaments and last wills; and for the devise of real estates by the 29. Car. 2. c. 3. vide equity cases abridged Tit. wills and testaments.
Legatees and devisees are enabled to attest the execution of wills by Brit. stat. 5 Geo. 2. c. 6.

CAP. XII.

AN ACT to prevent the Sale of Slop Cloathing, and for punishing the Concealers or Harbourers of Seamen or Marines deserting from the Royal Navy.

The Act of the 25th Geo. 3d. expired at the end of the American war, which was an Act to give this statute the more effect This Act made perpetual by 34th Geo. 3d. cap. 1.

Preamble

WHEREAS *for the better carrying on the present war, it has been his most gracious Majesty's royal will and pleasure, from time to time, to send large squadrons of his ships of war into North-America. And whereas the harbour of Halifax in this his Majesty's Province of Nova-Scotia, from its situation, great convenience, and safety for capital ships, hath always hitherto been, and probably during the war, will continue to be the rendezvous of his Majesty's fleet in that part of his American dominions: And whereas many and great inconveniences have arisen to the service of the royal navy, by persons enticing, assisting, harbouring and concealing seamen deserting from his Majesty's ships, and by buying the slop cloaths issued to seamen on board his Majesty's ships, by means whereof they become subject to impositions, and are induced to sell their necessary cloathing to procure spirituous liquors, whereby they are rendered*

rendered unfit for duty, become diſeaſed and die for want of proper apparel to defend them againſt the inclemencies of the weather, and by means of ſuch practices, the commanders of his Majeſty's ſhips of war have been under a neceſſity of detaining ſuch ſeamen on board, not only to the great prejudice of their health by ſuch confinement and want of exerciſe, but alſo to the diſadvantage of the Province, from the want of the aſſiſtance and labour of ſuch ſeamen. For remedy whereof, *be it enacted by his Excellency the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted,* That if any perſon ſhall entice any ſeamen or marine to deſert, or harbour, conceal, or aſſiſt any deſerter from any ſhip of war, knowing him to be ſuch, the perſon ſo offending ſhall forfeit the ſum of twenty pounds, on conviction, by one or more credible witneſs, before any three Juſtices of peace, (*quorum unus*) for the uſe of his Majeſty's government, to be levied by diſtreſs, and for want of ſuch diſtreſs the perſon ſo offending ſhall be committed to his Majeſty's goal, there to remain without bail or mainprize for the ſpace of ſix months, or till ſuch time as the ſaid fine ſhall be paid.

Perſons enticing ſeamen or marines to deſert, to forfeit 20l. or ſuffer ſix months impriſonment

Conviction before three Juſtices

II. *And be it further enacted,* That if any perſon ſhall buy or receive as a pledge, or exchange any ſlop cloths from any Seamen or Marine belonging to any of His Majeſty's ſhips ofwar, upon conviction thereof, or confeſſion, or by the oath of one credible witneſs, or if ſuch Cloaths ſhall be found in the poſſeſſion of any perſon, upon complaint that they were bought from, or pledged or exchanged by ſuch Seamen or Marines; in ſuch caſe the party offending ſhall pay a fine of five pounds, forty ſhillings of which to the informer, and three pounds to the uſe of His Majeſty's Government; and the cloaths ſhall be taken from ſuch perſon and returned to ſuch ſeamen or marine, and he to be utterly debarred from recovering in any action, the purchaſe or loan money for the ſame. Any perſon offending may be convicted of ſuch offence before any one or more of His Majeſty's Juſtices of the peace, who are hereby impowered to levy the penalty by diſtreſs, and in default of diſtreſs to commit the offender to His Majeſty's goal there to remain without bail or mainprize, for the ſpace of two months, or till ſuch time as the penalty ſhall be paid.

Penalty 5l. buying, &c any ſlop cloathing

III. *Be it further enacted,* That it ſhall and may be lawful for any perſon, upon ſeeing or knowing of any ſeaman or marine belonging to any of his Majeſty's ſhips of war, ſelling or expoſing to ſale any of his or their cloathing or ſlops, to apprehend ſuch ſeaman or marine, and carry him or them immediately to ſome juſtice of the peace of the county, who is hereby impowered to commit ſuch ſeaman or marine to his Majeſty's goal, and to deliver him or them over to the Captain, or other officer of the ſhip to whom he or they may belong.

Any perſon may apprehend ſeamen or marines ſelling their cloaths

IV. *Be it further enacted, by the authority aforeſaid,* That on information made on oath, before any of His Majeſty's Juſtices of the Peace, by any of the officers of His Majeſty's ſhips of war, that one or more of the ſeamen in His Majeſty's ſervice have deſerted or abſconded, who there is reaſon to believe lie concealed in ſome dwelling or out houſe, where the ſaid officer has been refuſed admittance; that then it ſhall and may be lawful for ſuch Juſtice of the Peace, before whom ſuch complaint is made, to iſſue his warrant to ſome one or more Conſtables impowering him or them, in the day time, to ſearch for ſaid deſerters or abſconders, in any dwelling or out houſe that ſhall be ſuſpected for concealing ſaid deſerters or abſconders, accompanied by one officer only, either Lieutenant or Midſhipman, and no other Seaman or Marine with him, and in caſe any maſter or miſtreſs of any dwelling houſe or out houſe in this Province, ſhall refuſe entrance to ſaid Conſtable or Conſtables, ſo impowered by warrant as aforeſaid to ſearch for ſaid deſerters or abſconders, they ſhall forfeit the ſum of Twenty Pounds, upon conviction, to be levied by warrant of diſtreſs under the hand and ſeal of two of His Majeſty's Juſtices of the Peace, from off the offenders goods, and for want of ſuch diſtreſs, ſhall be committed to His Majeſty's goal for ſix months, and that it ſhall and may be lawful for any of His Majeſty's Juſtices of the Peace, who are hereby required upon information on oath as aforeſaid in the night time in his own perſon, attended with the conſtables, accompanied by one officer, either Lieutenant or Midſhipman, and no other Seaman or Marine with him, to demand entrance into

Any Juſtice may grant a warrant to ſearch for deſerters where the officer has been refuſed admittance

Conſtable to ſearch in company of of one officer only

Perſons refuſing admittance forfeit 20l.

Any Juſtice may in the night demand admittance and on refuſal the maſter of the houſe to forfeit 20l. or ſuffer ſix months priſonment

into any dwelling house or out house in this Province, on suspicion of deserters or absconders being concealed there, and the master or mistress refusing entrance to such Justice of the Peace so demanding entrance in the night time, shall forfeit the sum of Twenty Pounds, to be levied as aforesaid upon conviction, and for want of such distress to be committed to His Majesty's goal for Six Months; the aforesaid sums to be for the uses of this government: and that the person or persons so apprehended supposed to be deserters or absconders from his Majesty's service, shall be committed to his Majesty's goal, until proof is made before one or more of his Majesty's justices of the peace, of his or their desertion or absconding, and then to be delivered up to such officer or officers of his Majesty's navy, who shall make demand of said deserter or deserters. And in case said person or persons so committed are not deserters, absconders, or shall not be in his Majesty's service, then such person or persons to be discharged without cost.

Deserters to be committed till delivered to their officers

V. *And be it further enacted by the authority aforesaid*, That this Act shall be and continue in force during the present war and no longer.

Act to continue during the present war

VI. This Act to commence and be in full force from seven days after the publication hereof.

For the punishment of lesser offences, see title criminal offence The Acts which have been made in addition to amendment or alteration of this Act

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CAP. XIII.

An ACT relating to Treasons and Felonies.

BE *it enacted by his Excellency the Governor, Council and Assemly, and by the authority of the same it is hereby enacted*, That if any person or persons shall compass or imagine the death of the King, or shall levy war against him or adhere to his enemies, or give them aid or comfort, or shall forge or counterfeit the King's money, being gold or silver coin of England or of Great-Britain, or shall counterfeit the King's great seal or privy seal, or the seal of this province, and shall thereof be duly convicted, the person or persons so offending are hereby declared, and shall be adjudged to the traitors, and shall suffer as in cases of high treason; (*a*) and that all treasons declared by the acts of parliament of England or of Great-Britain, shall be deemed and adjudged to be treason within this his Majesty's province, and none other (*b*), and that such acts of parliament as direct the proceedings and evidence against, trials of such traitors, shall have their full force and effect, and be observed as the rule in all trials for treason in this province.

32d Geo. 2d. cap. 17. sec. 4. 5. 34th Geo. 2d. cap 9 2d. Geo. 3d. cap. 5, sec. 5. 8th Geo. 3d cap 3. 8th & 9th Geo. 3d Cap. 9. 11th Geo. 3d. cap. 3. 14th and 15th geo. 3. cap. 7, 23d. Geo. 3. cap. 3. 26th Geo. 3 cap. 2. 41st Geo. 3.
Eng. stat 25 Ed. 3. stat. 5. c. 2. and Eng. stat. 1. Mar. c. 1. assembling to alter laws, &c. treason, Kel. 75-77
Brit. stat. 7. Ann. c. 21.
Eng. stat. 7th. Will. 3. c. 3 Witnesses in treason, Kel. 49
Murder and Maihem, felony without clergy
Eng. Stat. 1 Ed 6, c. 12, sec. 10
Eng. stat. 5, Hen. 4. c. 5. and Eng. stat. 22 & 23. Car. 2. c. 1
Stabbing, felony without Clergy
Eng. stat. 1 Jac. 1. c. 8

II. *And be it further enacted*, That if any person with malice prepense shall kill, or procure any other persons to kill, or shall on purpose and of malice forethought, and by lying in wait, unlawfully cut out or disable the tongue, put out an eye, slit the nose, cut off a nose or lip, or cut off or disable any limb or member of any person, with intention to kill or to maim or disfigure any such person, the persons so offending, their counsellors, aiders and abettors, privy to the offence, shall be felons without benefit of clergy. *Provided* that no attainder of such felony shall work corruption of blood, or forfeiture of dower, lands or goods of the offender. (*c*)

III. *And be it further enacted*, That every person, who shall stab or thrust any person that hath not then any weapon drawn, or that hath not then first stricken the party who shall so stab or thrust, so as the persons, so stabbed or thrust, shall thereof die within the space of six months, altho' it cannot be proved that the same was done of malice forethought, yet the party so offending and being thereof convicted, shall be excluded from the benefit of clergy (*d*).

IV.

(*a*) 1. Hawk. P. C. c. 17 pa. 34.—46. 3. inst. pa. 1.—19. Kel. 80. 1. Hale's hist. P. C. and Judge Foster's discourse on high treason, subjoined to his reports, published in 1762, and vide his discourse on accomplices, in what sense and degree all are principals in treason, sect. 1.—4

(*b*) Treasons by statutes subsequent to 25. Ed. 3. c. 2. vide 1. Hawk. P. C. c. 17. statutes corresponding, &c. with the pretender, vide Eng. stat. 13 and 14. Will. 3. c. 3. sec. 3. 6 Ann. c. 7 17th Geo. 2. c. 39.

(*c*) Vide State trials, 6 vol. pag. 212. Woodbourne and Coke's case.

(*d*) Kel. 136. 1. Hale's hist. P. C. 1. Hawk. P. C. c. 30. Judge Foster's disc. on homicide, c. 6. of the statute of stabbing.

Manslaughter by misfortune, &c.

IV. *Provided*, That this act shall not extend to any persons, who shall kill any person in his own defence, or by misfortune, or in any other manner than as aforesaid, nor shall extend to any persons who in keeping the peace, shall chance to commit manslaughter, so as the said manslaughter be not committed wittingly and of purpose, under pretext and colour of keeping the peace; nor shall extend to any person who, in chastising or correcting his child or servant, shall besides his purpose, chance to commit manslaughter (*e*.)

Murder of bastard children, felony without clergy
Eng. stat. 21. Ja. 1. c. 27. continued by Eng. stat. Car. 1. c. 4. till continued or discontinued by Parliament

V. *And be it further Enacted*, That if any woman be delivered of any issue of her body male or female, which being born alive, should by the laws of the realm of England be a bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself, or the procuring of others, so to conceal the death thereof, as that it may not come to light whether it were born alive or not, but be concealed, the mother so offending shall suffer death as in case of murder, except such mother can make proof by one witness, that the child whose death was by her so intended to be concealed, was born dead (*f*).

Buggery, felony without Clergy
Eng. stat. 25. Hen. 8. c. 6. revived and made perpetual by Eng. stat. 5 Eliz. c. 17.

VI. *And be it further enacted*, That the detestable sin of Buggery committed with mankind or beast, shall be adjudged felony, and such process therein be used as in cases of felony at common law, and the offender or offenders being convicted by verdict, confession or outlawry, shall suffer the pains of death, and loss of their goods, lands and tenements, as felons, and no person guilty of such offence shall be admitted to his clergy; and justices of the peace shall have power to inquire of the said offence as in other felonies. And if any person or persons, shall make an assault, with an intent to commit the sin of buggery, such offender or offenders, shall, on due conviction thereof, be adjudged to stand in the pillory, and may, for further punishment, be fined, imprisoned, or be bound in sureties for his or their good behaviour, at the discretion of the court. (*g*.)

Assault with intent to commit buggery, pillory, &c.

Rape, felony without clergy.
Eng. stat. West 2. 13. Ed. 1. c. 34.

VII. *And be it further enacted*, That if any person or persons shall, by force, and against the consent of any woman, or infant above the age of twelve years, have carnal knowledge of her body, every such offender or offenders shall, on due conviction of such ravishment, suffer as a felon without benefit of clergy. *Provided always*, that if complaint shall not be made of a ravishment within ten days afterwards, before one of his Majesty's justices of the peace or other magistrate, that then such fact shall be adjudged to have been committed by and with the consent of such woman or infant (*h*).

Complaint in ten days
By Eng. stat. West. 1. 3. Ed. 1. c. 13.
Appeals of rape were limited to 40 days
Vide 1. Hale's hist. P. C. 632. 633.

Rape on infants felony without clergy
Eng. stat. 18. Eliz. c. 7. sec. 4.

VIII. *And be it further enacted*, That if any person shall unlawfully have carnal knowledge of any female child under the age of twelve years, tho' with her consent, every such unlawful and carnal knowledge shall be felony, and the offender being thereof duly convicted, shall suffer as a felon, without benefit of clergy. And every violent assault and battery committed on the body of such woman or infant, with intent to ravish, shall be punished by adjudging the offender or offenders, upon due conviction thereof, to stand in the pillory, and the judge or judges of the court, wherein he shall be so convicted, may for further punishment, fine and imprison, and require sureties for the good behaviour, at his or their discretion (*i*).

Assault with intent to ravish, pillory, &c.

Burglary, Eng. stat. 23. Hen. 8. c. 1. 5. Ed. 6. c. 9. 18. Eliz. c. 7. sec. 1.

IX. *And be it further enacted*, That if any person or persons shall by night break open and enter any dwelling house, shop or warehouse, or any vessel lying so near the land that it be adjudged within the county, with an intent to commit any felony, whether such felonious intent be executed or not (*k*).

X.

(*e*) Kel. 28. 64. 65. John Gray's case, Dalton 551. Keilway's reports 136. a
(*f*) 2. Hale's hist. P. C. 284. 288. 289. 2. Hawk. P. C. c. 46. sec. 43. Kel. 32. Ann Davis's case
(*g*) 3. Inst. 58. 12. Co. 36. and 37. 1 Hawk. P. C. c. 4 1. Hale's hist. P. C. 628. 669. 670. Lord Audley's case, State trials
(*h*) 1 Hawk. P. C. c. 2. 42. 1. Hale's hist. P. C. 626—637
(*i*) 3 Inst. c. 11. 1. Hale's hist. P. C. 630. 631. 634. and 635. Cro. Car. 332. Martyn Page's case 1. Hawk. P. C. c. 41. sec. 4. 5.
(*k*) 1. Hawk. P. C. c. 38. 1. Hale's hist. P. C. 547. &c 3 Inst. c. 14. Kel. 30. 52. 63. 67. *in fraudem legis*, by false pretences, Kel. 42—47. 62. 81—85.

X. Or shall rob any dwelling house in the day time, any person being therein, or break any dwelling house, shop or warehouse thereunto belonging, or therewith used, in the day time, and feloniously take away any money or goods of the value of five shillings therein being, although no person shall be within such dwelling house, shop, or warehouse, or shall rob any other, or feloniously take away any goods in any dwelling house, the owner or any other person, being therein and put in fear.

Robbery by day. Eng. stat. 3 Will. & Ma. c. 9. sect. 1.

XI. Or if any person or persons shall by night or by day, rob or by violence take money, or goods, from any person putting him in fear, in any highways, or in any streets or lanes of a town.

Robbery from the person in highways, &c. by night or by day. Eng. stat. 3 Will. & Ma. c. 9 sect. 1.

XII. Or shall feloniously take money or goods from the person of any other, privily without his knowledge.

Stealing privily Eng. stat. 8 Eliz. c. 4.

XIII. Each and every of the offenders aforesaid, their aiders and abettors, shall, upon due conviction, suffer as felons, without benefit of clergy.

1 Hawk. P. C. c. 35. aiders and abettors. Felony without clergy.

XIV. *And be it further enacted*, That if any person or persons shall steal, or take by robbery, any bills of exchange, bonds, warrants, bills, or promissory notes for the payment of money, being the property of any other person, notwithstanding any the said particulars are termed in law a *chose in action*, it shall be deemed felony of the same nature, and with or without the benefit of the clergy or of this Act, in the same manner as it would have been if the offender had stolen or taken by robbery, any other goods of the like value with the money due on such bills of exchange, bonds, warrants, bills, or notes, or secured thereby, and remaining unsatisfied, and shall suffer such punishment as if he, she or they, had stolen other goods of the like value.

Stealing bills of exchange, &c. Eng. stat. 2. Geo. 2. c. 25.

XV. *Provided*, That no attainder for any such offence so made felony, shall work any corruption of blood, loss of dower, or disherison of heirs.

Not to work corruption of blood &c.

XVI. *And be it further enacted*, That if any person or persons shall buy or receive any goods that shall be stolen, knowing the same to be stolen, he, she, or they, shall be deemed accessaries to the felony after the fact, and that it shall be lawful to prosecute and punish persons buying or receiving stolen goods, knowing the same to be stolen, or that shall be accessary to such felony before or after the fact, as for a misdemeanor, to be punished by fine and imprisonment, although the principal felon be not before convicted of the said felony, which shall exempt the offender from being punished as accessary, if the principal shall be after convicted*.

Receivers of stolen goods, accessaries. Eng. stat. 3 Will. & Ma. c. 9. sect. 4.
* Vide note at the end of this act.
Punishable as for misdemeanor, though principal be not convicted. Eng. stat. 1. An. stat. 2. c. 9. sect 2.

XVII. *And be it further enacted*, That if any person or persons shall take away with an intent to steal, embezzle or purloin, any goods, chattels, or furniture, which by agreement they are to use, or shall be let to them to use in his, her, or their lodging, such taking, embezzleing or purloining, shall be adjudged to be larceny and felony *(l.)*

Robbing lodgings. Eng. stat. 3 Will. & Ma. c. 9. sect. 5.

XVIII. *And be it further enacted*, That if any servant or servants shall go away with the caskets, jewels, money, goods or chattels, delivered to his, her or their keeping, by his, her or their master or mistress, with intent to steal the same, and defraud his, her, or their master or mistress thereof, contrary to the trust and confidence in them reposed, or being in service, without assent or commandment of his, her or their master or mistress, shall embezzle or convert the same to his or her use, with purpose to steal the same, being of the value of forty shillings or above, every such offender or offenders shall, upon due conviction suffer death as in cases of felony, without benefit of clergy *(m.)*

Servants embezzleing master's goods. Eng. stat. 21 Hen. 8. c. 7.

XIX. *Provided*, That any apprentice or apprentices, within the age of fifteen years, shall be entitled to the benefit of clergy, for the first offence.

Not to extend to apprentices. Eng. stat. 12 An. stat. 1. c. 7. sect. 2.

XX. *And be it further enacted*, That if any person or persons shall wilfully and maliciously burn, or cause to be burned, any dwelling-house, barn, out-house, or warehouse of another, or any

House-burning. Eng. stat. 23 Hen. 8. c. 3.

D

(l) 1. Hawk. P. C. c. 33. sect. 10. Kel. 34. 81. Not felony at common law, because no trespass, and without trespass there can be no felony.

(m) 2. Hale's hist. P. C. c. 63. pa. 666—669. 1. Hawk P. C. c. 33. sect. 11—17. 3. Inst. c 44.

any public building, or any hovel, cock, mow, rick, or ſtack of corn, ſtraw, hay, or wood, of another, all and every ſuch perſon or perſons ſo offending, and their aiders, abettors, and counſellors, ſhall, upon due conviction, ſuffer as felons, and be excluded from the benefit of clergy, (n.)

Anonymous letters, &c. Brit. ſtat. 9 Geo. 1 c. 22. ſect. 1.

XXI. *And be it further enacted*, That whoſoever ſhall maliciouſly ſhoot at any perſon or perſons, in any dwelling-houſe or other place, or ſhall knowingly ſend any letter without any name, or ſigned with a fictitious name, demanding from any perſon or perſons, money or other valuable thing, ſuch offender or offenders, being duly convicted thereof, ſhall ſuffer as felons, without benefit of clergy.

Stealing in any other manner, Brit. ſtat. 4. Geo. 1 c. 11 ſec. 1. or imbezzleing the King's ſtores

XXII. *And be it further enacted*, That whoſoever ſhall feloniouſly take and carry away any money or goods, in any other manner than is herein before declared and provided for, or ſhall embezzle any of His Majeſty's ſtores, or the utenſils, furniture or cloathing, in any ſtore-houſe or hoſpital of His Majeſty, if ſuch offender or offenders ſhall be found guilty of ſuch felonious taking or carrying away of ſuch money or goods, or of embezzleing any of His Majeſty's ſtores, or the utenſils, furniture, or cloathing in any ſtore-houſe or hoſpital of His Majeſty, as aforeſaid, to the value of twenty ſhillings or more; every ſuch offence ſhall be

Larceny and felony.

larceny and felony; and if the value ſhall be found by verdict on trial to be leſs than twenty ſhillings, then ſuch offence ſhall be puniſhable as petit larceny, by ſuch public whipping as the Court, before whom ſuch offender ſhall be convicted, ſhall direct, and it ſhall and may be lawful for ſuch Court to order the offender to make full reſtitution, and in default thereof to commit ſuch offender to the houſe of correction, there to be put to hard labour, for a term not exceeding three months, as the Judges, in their diſcretion, ſhall think fit.

Reſtitution of ſtolen goods. Eng. ſtat. 21 Hen. 8 c. 11. 2 Hawk. P. C. c. 23. ſect. 49—58.

XXIII. *And be it further enacted*, That all monies, goods, chattels, merchandiſes, or ſtores, found in poſſeſſion of any burglar, houſebreaker, robber, thief, or purloiner, ſhall be delivered by the Juſtice of Peace who ſhall take the examination of ſuch offender into the cuſtody of the Provoſt Marſhal or his deputy, or Conſtable of the town where the offence ſhall be committed, who ſhall be anſwerable for the ſame until the offender be convicted; and the Judge or Judges of the Court, wherein ſuch offender ſhall be convicted, ſhall order the ſaid

Where no owner appears, goods to be forfeited.

money, goods or ſtores to be reſtored to the lawful owners thereof; (o;) and where no owner ſhall appear to claim the ſame, they ſhall be adjudged to be forfeited.

To be given by jury to proſecutor, tho' evidence not ſufficient to convict offender.

XXIV. And in caſes where the evidence ſhall not be ſufficient to convict of a felonious intent, and the Jury ſhall declare that the property of ſuch money, goods, or ſtores, is in the proſecutor, it ſhall and may be lawful for the Court to order ſuch money, goods, or ſtores, to be delivered to ſuch proſecutor.

Not to debar the party of his action.

XXV. *Provided nevertheleſs*, That ſuch delivery ſhall not debar the party ſo acquitted, or any other perſon who may claim the ſame from his or her action for the detainer of ſuch money, goods, or ſtores, ſo delivered to the proſecutor.

Acceſſaries. Eng. ſtat. 1. An. ſtat. 2. c. 9. ſect. 2.

XXVI. *And be it further enacted*, That notwithſtanding the allowance of clergy, and burning in the hand of any principal offender, the acceſſaries to ſuch offender ſhall be arraigned and tried in the ſame manner, as if ſuch clergy had not been allowed.

Clergy allowed but once. Offenders to be burnt in the hand. Eng. ſtat. 4 Hen. 7. c. 13.

Eng. ſtat. 5. Ann c. 6. ſect. 4.

XXVII. *And be it further enacted*, That every perſon which once hath been admitted to the benefit of his clergy, being afterwards arraigned, ſhall not be admitted to the benefit of his clergy; and that every perſon convicted for manſlaughter, ſhall be marked with an M, upon the brawn of the left thumb, and for any other felony, the perſon convicted ſhall be marked with a T, in the ſame place: theſe marks ſhall be made, by the goaler in open court. And if any perſon convicted of any felony, for which he ought to have the benefit of his clergy, ſhall pray to have the benefit of this Act, he ſhall not be required to read, but

(n) 1. Hawk. P. C. c. 39. 1. Hale's hiſt. P. C. c. 49. pa. 566. et ſeq. 3. Inſt. c. 15. Judge Foſter's reports. Elizabeth Harris's caſe at Ayleſbury Lent Aſſizes, 1753. Cro. Car. 376. Holmes's caſe.

(o) Ke. 35, 47 & 48, Reſtitution ſhall be made, tho' the goods were ſold in Market Overt. 2 Inſt. 714. Accord. Reſtitution ſhall be made of ſuch goods only as are compriſed in the indictment. 2 Bac. Ab. 461. 2 Hawk. P. C. c. 23. ſect. 55, 56, 58

but without any reading shall be allowed to be, and punished as a clerk convict, which shall be as effectual and as advantageous to him as if he had read as a clerk.

XXVIII. And after allowance of such clergy and burning in the hand, such person shall be enlarged and delivered out of prison, by the Judge or Judges of the Court before whom such clergy shall be granted: saving that such Judge or Judges, may, for the further correction of such persons, to whom clergy shall be allowed, keep them in prison, or send them to the house of correction, for such convenient time as the said Judge or Judges in their discretions shall think fit, so as the same do not exceed one year's imprisonment, or to punish them by public whipping.

And discharged out of prison. Eng. stat. 18. Eliz. c. 7. sect. 23.

XXIX. And that where a man, convicted of any felony, may demand the benefit of his clergy, a woman convicted for the like offence, upon her prayer to have the benefit of this Act, judgment of death shall not be given against her upon such conviction, or execution awarded upon any outlawry for such offence, but such woman shall suffer the same punishment as a man that has the benefit of his clergy allowed him in the like case, *(that is to say)* shall be burned in the hand by the goaler in open court, and may, for further punishment, be kept in prison, or sent to the house of correction, for such time as the Judges shall think fit, so as the same do not exceed one year, or he ordered to be publicly whipped, as the Judge or Judges, before whom such woman is convicted, shall, from the quality of the offence, think meet.

Woman to be punished in the same manner as a man. Eng. stat. 3 & 4. Will. & Ma. c. 9. sect. 6, 7.

XXX. And the clerk of the Court or Assizes where such man or woman shall be convicted, shall, at the request of any, in his Majesty's behalf, certify a transcript containing the tenor of every indictment and conviction of such man or woman, of his having the benefit of the clergy, or her having the benefit of this Act, and the addition of every such person, and the certainty of the felony and conviction, to the Judge or Judges of the Court or Assizes where such man or woman shall be indicted; which certificate, being produced in court, shall be a sufficient proof that such man hath before had the benefit of his clergy, and that such woman hath had the benefit of this Act, in the same manner as if the record had been produced.

Clerk to certify a transcript, &c. of allowance of clergy.

XXXI. And if any person or persons indicted of any offence, for which, by virtue of this Act, they are excluded from the benefit of clergy, or of this Act, shall, if they stand mute, or will not answer directly to the felony, or shall challenge peremptorily above twenty of the jury, or shall be outlawed thereupon, be ousted of the benefit of the clergy, or of this Act, and judgment shall be pronounced and execution awarded, as if such person or persons had been convicted of such offence by verdict or confession.

Prisoner standing mute, &c. ousted of clergy. Eng. stat. 3 & 4 Will. & Ma. c. 9. sect. 2. By Pro. law, 34. Geo 2. c 9. This peremptory challenge shall be overruled.

XXXII. *And be it further enacted*, That in all cases where the benefit of clergy, or of this Act, shall be allowed, if the prisoner shall not, upon his arraignment, answer directly according to law, or shall wilfuly stand mute, or shall peremptorily challenge above twenty jurors, or if any person be outlawed on any indictment for such felony, such person or persons shall be proceeded against by the Court, in the same manner as if he, she, or they had been convicted by confession or verdict.

Where clergy is allowed, prisoner standing mute, &c. to be proceeded against as if convicted by verdict.

XXXIII. *Provided nevertheless*, that no man who hath had the benefit of the clergy allowed him, nor any woman who hath had the benefit of this Act, shall have the benefit of clergy, or of this Act, for any felony committed since his or her having had the benefit of clergy, or of this Act as aforesaid, and that no person shall be allowed the benefit of clergy, or of this Act, more than once, but shall, for any felony by him or her committed after being allowed the benefit thereof, be utterly debarred from having the benefit of the same again.

The benefit of this act not to be allowed more than once. Eng. stat. 4 & 5 Will. & Ma. c. 24 sect. 13.

XXXIV. *Provided also*, That if any man, admitted to his clergy, or any woman, admitted to the benefit of this Act, shall, before such his or her admission, have committed any offence, whereupon clergy is not allowable by this Act, and not being thereof indicted and acquitted, convicted, or attainted, or pardoned, shall and may be indicted or appealed for the same, and put to answer as if no such admission to the benefit of clergy or of this Act had been.

Persons allowed clergy shall answer to other felonies excluded clergy. Eng. stat. 18. Eliz. c. 7. sect. 5

XXXV.

Witneſſes for priſoners ſhall be ſworn & puniſhable for Perjury Eng. ſtat. 1 Ann. ſtat. 2. c. 9. ſect. 3.

XXXV. *And be it further enacted*, That every perſon who ſhall be produced, or appear as a witneſs on the behalf of the priſoner, upon any trial for murder or felony, before he or ſhe be admitted to give evidence, ſhall firſt take an oath to depoſe the truth, in ſuch manner as the witneſſes for the King are, by law, obliged to do; and if any witneſs be convicted of wilful perjury in ſuch evidence, he ſhall ſuffer all the penalties, forfeitures and diſabilities which, by law, may be inflicted on perſons convicted of wilful perjury.

Indictments, &c. to be according to the practice of England.

XXXVI. *And be it further enacted*, that all indictments, proceſs, pleadings, and trials, and the rules of evidence upon any trials for any felonies or miſdemeanors, either by the common law of England, or by virtue of this Act, ſhall be according to the uſage, practice, and laws of England.

Former convictions confirmed.

XXXVII. And that all convictions, attainders, judgments, and executions, for any felonies or miſdemeanors, before the making of this Act, ſhall be good and valid in law, and the ſame are hereby ratified and confirmed.

Saving for judgments depending.

XXXVIII. Saving to all and every perſon and perſons, all ſuch advantages in law, upon any judgment that may be depending in any Court of record, at the time of making this Act, in the ſame manner as if this Act had not been made.

* A Receiver of ſtolen goods may be proſecuted as for a miſdemeanor, only where the principal is not in cuſtody and amenable for the felony. Judge Foſter's 3d diſc. Of accompli. Subjoined to his report. c. 3. ſect. 6

Taking rewards to help perſons to ſtolen goods, is, by Brit. ſtat. 4. Geo. 1. c. 11. declared to be felony, unleſs they cauſe the felon to be brought to trial.—This Act is extended to his Majeſty's dominions in America.

The Acts which are in addition to or in amendment or alteration of this Act, are 33d. Geo. 2d. cap 14. 1ſt. Geo. 3d. caps 10. and 15. 7th Geo. 3d. caps. 1 and 2. 8th Geo. 3d. cap. 12. 8th and 9th Geo. 3d. cap. 7 11th Geo. 3d. cap. 5. 17th Geo. 3d. cap. 6 21ſt. Geo. 3d. cap. 4. 25th Geo. 3d. cap. 4. 29th Geo. 3d. cap. 8. 40th Geo. 3d. cap. 2 and 3.

C A P. XIV.

An ACT for preventing Treſpaſſes.

BE *it enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, in order to regulate fences, and to prevent damages being done to the proprietors of incloſed lands by unruly cattle, that all fences belonging to any incloſed lands ſhall be built or made with ſtones, pickets, boards, or poſts and rails, or log fence, unleſs the lands are bounded by ponds, unfordable rivers, or the ſea; and ſuch fences ſhall be, at leaſt, four feet and an half high: and if any damage be done by breaking ſuch incloſures, and deſtroying any of the product thereof, by horſes, ſheep, hogs, and neat cattle, if ſuch incloſures ſhall, at the time of ſuch damage, be incloſed by a good and ſufficient fence, agreeable to this law in the judgment of the fence viewer, who is hereby appointed to view the ſame, the owners of ſuch treſpaſſing cattle, ſhall pay to the party injured, the value of all ſuch damages, to be aſcertained, on the appraiſment thereof, by three credible perſons living in the neighbourhood, being firſt ſworn, before one of His Majeſty's Juſtices of the Peace of the county where ſuch lands lie, truly to value the ſame; and in caſe the owner of the ſaid cattle or hogs, ſhall refuſe to pay the value of ſuch appraiſement, upon notice thereof given him, the injured party may have and maintain his action therefor, before any one or more of the ſaid Juſtices, or before the Inferior Court of Common Pleas, according to the value of ſuch damage.

Fences to be made of ſtone, &c

Owners of treſpaſſing cattle to pay damages

II. *And whereas the owners and proprietors of fields, lying and being adjoining to other incloſed fields do neglect to fence in their proportionable part of ſuch fields; Be it enacted, by the authority aforeſaid*, That the proprietor of any field, adjoining to another incloſed or improved, ſhall build up and maintain his part or proportion of fencing, with a good and ſufficient fence of four feet and an half high, on that part of ſuch land as is adjoining to his own; and in caſe he neglects ſo to do within the ſpace of ten days after notice given him, it may and ſhall be lawful, and any one of the fence viewers, upon application being made to him in ſuch caſe, is hereby impowered forthwith to cauſe ſuch deficient fence to be raiſed or made, or otherways to repair any fence already made, if, in his judgment, the ſame is inſufficient: and the perſon

Proprietors of fields, to fence their proportion, or on their neglect

the fence viewer to make or repair ſuch fence; and the proprietor to pay double the coſt

son or persons that of right ought to build and maintain the same, shall pay double the costs and charges expended for the doing thereof; and in case of refusal, such fence viewers may recover the same by action on the case, according to the value in manner aforesaid. *Provided always*, that no fence viewers shall be allowed more than three shillings per day in his account, for his own trouble and time expended therein. And if any fence viewer, when notified, shall neglect his duty herein, he shall forfeit forty shillings for every offence.

Hogreaves to take up swine, going about the streets and impound and cry them

To be sold if not owned in 3 days

III. *And be it further enacted*, That no swine shall be permitted to go at large within the streets, lanes or suburbs of Halifax: and it shall and may be lawful for the hogreaves so often as they shall find any swine going at large within the streets, lanes and suburbs of the said town, to impound them, and as soon as may be, cause the same to be publicly cried, for which he shall be paid two shillings and six pence per head, and three pence per day for supporting each swine, whilst impounded; and if the owner thereof doth not appear, or refuses, within three days, to claim the said swine, and pay the charges, that then the hogreaves are hereby authorised to sell such swine at public auction, and after deducting all charges, the overplus shall be paid to the owner when demanded.

Surveyors of highways to have the care of the streets &c. at Halifax

N. B. The part of this clause which obliges the proprietors to repair the street in front of their land is not reprinted, not being now in force.

IV. *And be it further enacted*, That the surveyors of highways by this Act appointed, shall have the care and supervisal of all the streets, lanes, and highways of the town and suburbs of Halifax, and are hereby impowered to prevent the same from being obstructed or incumbered; and they are hereby required to present all nuisances in the said streets, lanes, and highways, within the limits above-mentioned, at the next General Quarter Sessions of the Peace, which is hereby impowered to proceed against such offences according to the laws of England in such cases made and provided.

Town officers to be appointed by a committee of the General Assembly, to serve to next Supreme Court, when the Grand Jury shall appoint others, and so on annually

Persons refusing to serve forfeit 40s.

V. *And be it further enacted*, That the Committee of the General Assembly, to be appointed for that end, shall, and are hereby empowered, to nominate four suitable overseers of the poor, two persons for clerks of the market, two persons for fence viewers, two persons for hogreaves, and four persons for surveyors of highways, to serve for the town of Halifax, till the sessions of the Supreme Court, Court of Assize and General Goal delivery, to be held in October next, at which time the Grand Jury of said Court are hereby impowered to choose other meet persons to serve in their room, and so from year to year; and the said persons, so nominated or chosen, shall be sworn, to the faithful discharge of the duty of their several offices; and the person or persons who shall refuse to serve in the said offices, to which they are respectively nominated or chosen as aforesaid, shall forfeit and pay the sum of forty shillings each, and the said Committee or Grand Jury are hereby authorised to nominate or choose other persons to serve in their stead.

CAP. XV.

An ACT for making Lands and Tenements liable to the Payment of Debts.

Acts which alter or amend this Act.

Act, 32d. Geo. 2d. cap. 11. sec. 19, 34th Geo. 2d. cap 5 3d. and 4th Geo. 3d. cap. 5. sec. 7. 3d. and 4th Geo 3d. cap. 8 13th and 14th Geo. 3d. cap. 4.

BE *it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted*, That from and after the publication hereof, when any person or persons shall recover judgment in any of his Majesty's Courts of Record within this Province, for any sum or sums of money, or for costs of suit, and the person or persons against whom judgment shall be recovered, shall be either unwilling or unable to satisfy such judgment by money or otherwise, or sufficient Personal Estate, whereon to levy Execution on such judgment, shall not be found, then, and in such case, execution shall and may

Execution upon judgments, to be

levied on personal estate, and if insufficient then on real estate of the debtor

by appraisers to be appointed by the creditor, debtor, and Provost Marshal

may be extended on the real estate of such debtor or debtors; and the Provost Marshal or his deputy, upon request to either of them made by the creditor or creditors, his or their attorney or agent, shall give notice in writing to the debtor or debtors, or in their absence to their attorney or agent, to nominate an appraiser, and the creditor or creditors shall have like notice to nominate another on their behalf, and the said Provost Marshal or his deputy shall name a third, being all discreet indifferent men and freeholders; and in case such debtor or creditor or either of their agents or attornies shall, for the space of three days after such notice refuse or neglect to nominate an appraiser on their respective behalfs, or in case such debtor or debtors, shall be absent from the Province, and have no known attorney or agent, then and in such case the Provost Marshal or his deputy shall and may nominate an appraiser for such debtor or creditor respectively: And the Provost Marshal or his deputy shall cause the said appraisers, so nominated, to be sworn before some of his Majesty's justices of the peace, faithfully and impartially to the best of their skill and knowledge, to appraise such real estate as shall be shewn to them. And the said appraisers, with the Provost Marshal or his deputy, shall forthwith repair to the lands or tenements of such debtor, and view and examine the state and condition thereof, and if upon such view and examination, the said appraisers, or any two of them, shall judge that the annual rent of such lands or tenements, will be sufficient to pay such debt, costs, and lawful interest for the same, together with the necessary repairs, within two years, then the Provost Marshal or his deputy shall extend the said execution on the rents only, and cause the person or persons in possession, whether debtor or debtors, or their tenant or tenants, to attorn and become tenant to such creditor or creditors, and shall pay rent quarterly to such creditor or creditors, who may distrain for the same, if in arrear, according to the laws of Great-Britain; and the person in possession, refusing or neglecting to pay such rent, when due, may be removed from such lands or tenements by the Provost Marshal or his deputy. And the creditor or creditors shall and may hold over and receive the rents of such lands or tenements, until such judgment, cost and interest, shall be fully satisfied and paid.

and sworn to appraise such real estate as shall be shewn them

Execution to extend on rents only, (if sufficient to satisfy debt and costs, &c.)

Rents to be paid to the creditor till satisfied

II. *And be it further enacted*, That if upon such view and examination as aforesaid, the said appraisers or the major part of them, shall be of opinion that the yearly rents of the lands or tenements of such debtor or debtors are not sufficient to satisfy such debt with cost and interest, together with the charge of needful repairs within the space of two years, then the said execution shall and may be levied on part of such estate, if in the judgment of the said three appraisers it can conveniently be done; but if not, then on the whole of the lands or tenements of the said debtor or debtors. And the Provost Marshal or his deputy shall immediately deliver seizin and possession thereof to such creditor or creditors, and cause the person or persons in possession or improvement thereof, to attorn and become tenants to such creditor or creditors in manner aforesaid, and pay their rent to him or them accordingly. And such person or persons, so in possession, shall be subject to be removed, and be under such rules and regulations as are herein before prescribed.

If rents are not sufficient

Execution to be levied on part of the real estate, if convenient, if not, then on the whole,

and possession thereof delivered to the creditor

III. *And be it further enacted*, That in all cases where an appraisement as herein before directed, shall be made, whether the same be of lands or tenements, in part or in whole, or of the rents thereof only; the appraisers shall make and subscribe a true and impartial appraisement thereof, which said appraisement being annexed to the execution, and duly returned by the Provost Marshal or his deputy, and filed and recorded therewith by the clerk of the court from whence the same issued, in a book to be kept by him for that purpose, and the Provost Marshal or other officer serving such execution, shall immediately execute a deed of sale of such lands or tenements, to such creditor or creditors, in consideration of the value found by such appraisers, to be therein mentioned, who, by virtue thereof, or of said return, shall make a good title to such creditor or creditors, his or their heirs or assigns in fee. Subject

Appraisers to make & subscribe an appraisement, to be annexed to the execution, & returned to the clerk of the court

Provost Marshal to execute a deed of the premises to the creditor

subject to an equity of redemption

nevertheless

nevertheless to an equity of redemption, as is herein after prescribed ; and any clerk refusing or neglecting his duty herein, shall forfeit the sum of five pounds, to be recovered by action of debt by the party grieved.

Clerk neglecting his duty, forfeits 5l.

IV. *Provided always, and it is hereby further enacted*, That it shall and may be lawful for any debtor or debtors, whose estate is taken in execution, or their heirs, executors, administrators or assigns, at any time, within the space of two years next following the levying such execution thereon, to redeem his or their lands or tenements so extended, and may have his action of account against the creditor or creditors or their assigns, in manner as is provided by law : and upon paying the original debt, with cost and interest, and the charges of such necessary repairs, as the creditor or creditors or their assigns have been obliged to expend, provided that they do not exceed one half of the rents, which the creditor or assigns, if he or they see cause, are hereby allowed to expend and lay out, and as much more as the debtor shall consent to, (who is hereby obliged to accept the same) such creditor or creditors or their assigns shall immediately surrender all such estate to the debtor or debtors, their heirs, executors, administrators, or assigns, and deliver up quiet and peaceable possession thereof.

Debtors may redeem their lands, &c. in two years.

and bring action of account against the creditor for the rents

V. *And be it further 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, who are hereby impowered to sell the same, and to execute to the person or persons purchasing the same, a deed thereof as of a *fee simple*, which deed being registered as by law required, shall be good and valid in the law ; but in the mean time and until such sale shall be made, the equity of redemption of such lands or tenements, shall be open in favour of such debtor or debtors, their heirs, executors, administrators, or assigns, to recover the same ; and if, upon such sale, the said lands or tenements do sell for more than the original debt, cost, charges, and interest, the creditor or creditors or their attorney or agent or assigns, shall pay the overplus into the hands of the debtor or debtors, or their heirs, executors, administrators, or assigns, the said creditor or creditors accounting to such debtor or debtors, for all rents and profits, first deducting for all necessary repairs : but if the said lands or tenements do sell for less than the debt, cost, charges and interest, then the creditor or creditors, or their heirs or assigns, in such case, shall and may have an *alias* execution against the debtor for the residue.

Estates appraised at a greater value than the debt and costs, to be sold at public auction, after thirty days from the expiration of the two years, if not sooner redeemed

If sold for more than the debt and costs, &c. the creditor to pay the debtor the surplus, and account for the the rents and profits ;

If sold for less the creditor to have an *alias* execution

VI. *And be it further enacted*, That when the real estate of the debtor upon appraisement, or when the yearly rent of the lands or tenements extended upon, at the end of the said two years, shall be found insufficient to satisfy the judgment, with cost, charges, interest, and needful repairs ; that in either case, an *alias* execution may issue on the said judgment for the remainder, and be levied on such other effects or estate as can be found of the debtor, or his body may be taken and detained until satisfaction be made of such judgment, with cost, charges, and interest ; any law, usage, or custom, to the contrary notwithstanding.

If the real estate is insufficient, &c. execution to be levied on other effects or the body

VII. *Provided*, That nothing herein contained shall extend or be construed to extend to the detaining in prison any poor insolvent debtor, contrary to the law of this Province in that case made and provided*.

Not to extend to insolvent debtors

* The law here referred to, expired, and was re-enacted by 3d. Geo. 3d. c. 5. 2d. sess.
By Brit. stat. 5. Geo. 2. c. 7. lands and tenements in the plantations, shall be assets for payment of all debts, as real estates are in England for debts due by bond.

CAP.

CAP. XVI.

This Act is repealed by the Act of 39th Geo 3d. cap. 1. sec. 15.

An ACT for preventing frauds by Butchers and Fishmongers.

CAP. XVII.

Acts in addition to or amendment of this Act, 1st. Geo. 3d. caps. 4 and 7, 22d. Geo. 3. cap. 3. 33d. Geo. 3d. cap. 5. 35th Geo 3. cap. 2.

An ACT, concerning Marriages, and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony.

No marriage to be solemnized without licence, or notice thrice given in some congregation on penalty of forfeiting 50l. by the person officiating

BE *it enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That any person presuming to officiate in solemnizing any marriage, before notice of the parties intention of marriage shall be publicly given, on three several Sundays, or holy days, in time of divine service, in some congregation within the town or towns, where each of the parties do reside, or for which marriage licence shall not have been obtained, under the hand of the Governor or Commander in Chief of the Province for the time being, shall forfeit and pay to the use of His Majesty's government, fifty pounds, to be recovered by bill, plaint, or information in any of the Courts of Record within this province.

Clergyman refusing to make publication forfeits 50l.

and liable to an action for damages

II. *And be it further enacted*, That if any clergyman, officiating as such, in any congregation in the town or towns, where the parties reside, shall neglect or refuse to make, or cause to be made, such publication, when thereunto reasonably requested, he shall forfeit the sum of fifty pounds, to be recovered in manner aforesaid: and be subject nevertheless to an action of damages, to be brought by any of the parties aggrieved.

The like penalty for refusing to marry

III. *And be it further enacted*, That if any clergyman shall refuse to marry any persons requesting him thereto, and making known to him that they have been duly published, or have obtained a licence as aforesaid, he shall forfeit the sum of fifty pounds, to be recovered in manner aforesaid, and be subject to the like action of damages. *(a)*

Polygamy to be felony, Eng. stat. 1 Ja. 1. c. 11

IV. *And be it further enacted*, That if any person, being married, do marry again, the former husband or wife being alive, such offence shall be felony *(b.)*

Not to extend to marriages declared void by the Governor and Council, nor to work corruption of blood, &c.

V. *Provided nevertheless*, That the foregoing clause of this Act shall not extend to any person whose former marriage has been declared void, or who has obtained a divorce by any sentence had before the Governor and Council *(c)*; nor shall any attainder for this offence work any corruption of blood, loss of dower, or disinherison of heirs.

All matters relating to prohibited marriages, &c. to be determined by the Governor and Council

VI. *And be it further enacted*, That all matters relating to prohibited marriages and divorce shall be heard and determined by the Governor, or Commander in Chief for the time being, and His Majesty's Council of this Province.

Causes of Divorce

VII. *And be it further enacted*, That no marriage shall be declared null and void, except for the cause of impotence, or of kindred within the degrees prohibited in an Act made in the thirty second year of King Henry the eighth, entitled, An Act concerning precontracts and touching degrees of consanguinity; and that no decree for divorce shall be granted for any other than the two foregoing and the two following causes, viz. that of adultery, and that

(*a*) The preceding restrictions and penalties so far as they relate to persons in holy orders are repealed, and offences of this nature by them, are remitted to the injunctions of the Canons, by 33 Geo. II, c. 2, sec. 8, 2 session

(*b*) 3 Inst. 88, 89, Kel. 80, 1 Hale's hist. P C 692—694, 1 Hawk. P C c. 43, pa. 110.

The offender gainst Eng. Stat. 4 Ja. 1. c. 1, may have the benefit of his clergy, 3 inst. 89, though the Statue says he shall suffer the pains of death, Kelyng 104. For the privilege of clergy cannot be excluded without expres words

(*c*) The Divorce must mean *Mensa & Thero*, since a divorce *a vinculo Matrimonii* required no aid from a *Proviso*. 1 Hale's hist. P C pa. 694, Kel. 27, Thomas Middleton's case

Qu. Whether it except Divorces *Causa Saevitia*. Porters Case, Cro. Car. 463

Though the second marriage it utterly void) yet the offender is declared a felon by the Statute 1 Ja. 1. c. 11

that of wilful deſertion, and witholding neceſſary maintenance for three years together *(d)*; in any of which caſes every perſon ſuing for a divorce, ſhall be entitled to a decree for that purpoſe, to be obtained from the Governor or Commander in Chief for the time being, and His Majeſty's Council, who ſhall have full power and authority to grant the ſame.

This clauſe is altered by 1 Geo. 3. c. 7. and the power of divorcing for wilful deſertion, &c. is by that Act repealed

VIII. *And be it further enacted, by the authority aforeſaid*, That every man and woman who ſhall carnally know each other, being within the degrees of kindred forbidden in the aforeſaid act, and ſhall be convicted thereof before His Majeſty's Supreme Court of Judicature, Court of Aſſize and General Goal Delivery, or Court of General Quarter Seſſions of the Peace, ſhall be ſet in the pillory for the ſpace of one hour, and further ſhall forfeit the ſum of fifty pounds, to the uſe of His Majeſty's Government, or ſuffer ſix months impriſonment.

Perſons within the degrees of kindred forbidden, who ſhall carnally know each other, to be ſet on the pillory and forfeit 50l. or ſuffer 6 months impriſonment

IX. *And be it further enacted*, That every perſon who ſhall commit adultery, and ſhall be thereof convicted before any of His Majeſty's Courts aforeſaid, ſhall forfeit to the uſe aforeſaid the ſum of fifty pounds, or ſuffer ſix months impriſonment, and to be ſubject nevertheleſs to an action of damages, by any of the parties aggrieved.

Perſons committing adultery to forfeit 50l. or ſuffer ſix months impriſonment, and liable to an action for damages

CAP. XVIII.

An ACT for preventing Frauds and Perjuries.

BE *it enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That from and after the firſt day of May in this preſent year, one thouſand ſeven hundred and fifty nine, all leaſes, eſtates, intereſts of freeholds, or terms of years, or an uncertain intereſt of, in, or out of any meſſuages, lands, tenements, or hereditaments, made or created by livery and ſeiſin only, or by parol, and not put in writing and ſigned by the parties ſo making or creating the ſame, or their agents thereunto lawfully authoriſed by writing, ſhall have the force and effect of leaſes, or eſtates at will only, and ſhall not, either in law or equity, be deemed or taken to have any other or greater force or effect, any conſideration for making any ſuch parol, leaſes or eſtates, or any former law or uſage to the contrary notwithſtanding.

Eng. ſtat. 29. Car 2. c. 3. ſec. 1—4

After the 1ſt May 1759, leaſes, &c. by livery and ſeiſin only, or by parol and not put in writing

to have the force of leaſes or eſtates at will only

II. *Except nevertheleſs*, All leaſes not exceeding the term of three years from the making thereof, whereupon the rent reſerved to the landlord, during ſuch term, ſhall amount unto two third parts at leaſt, of the full improved value of the thing demiſed.

Except leaſes not exceeding the term of 3 years

III. *And be it alſo enacted*, That no leaſes, eſtates or intereſts, either of freehold, or term of years, or any uncertain intereſt of, in, to or out of any meſſuage, lands, tenements or hereditaments, ſhall, at any time after the ſaid firſt day of May, be aſſigned, granted or ſurrendered, unleſs it be by deed or note in writing, ſigned by the party ſo aſſigning, granting or ſurrendering the ſame, or their agent thereunto lawfully authoriſed by writing, or by act and operation of law.

No leaſes, &c. to be aſſigned, unleſs by deed or note in writing, ſigned by the party or by act of law

IV. *And be it further enacted*, That from and after the ſaid firſt day of May, no action ſhall be brought whereby to charge any executor or adminiſtrator upon any ſpecial promiſe, to anſwer damages out of his own eſtate, or whereby to charge the defendant upon any ſpecial promiſe, to anſwer for the debt, default or miſcarriages of another perſon, or to charge any perſon upon any agreement made upon conſideration of marriage, or upon any contract or ſale of lands, tenements, or hereditaments, or any intereſt in, or concerning them, or upon any agreement that is not to be performed within the ſpace of one year from the making thereof,

No action to be brought whereby to charge any perſon to anſwer for the debt, &c. of another

Unleſs upon an

(*d*) Marriage *de facto*, or voidable for precontract, &c. is in judgment of law a marriage till avoided, and within Eng. ſtat. 2 Ja. 1. c. 11. 3 Inſt. 88.

agreement, &c. in writing, signed by the party so charged.

unless the agreement, upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorised *(a)*.

Eng. stat. 29. Car. 2. c. 3. sec. 7—11 No contract allowed for goods, &c. unless earnest is given or memorandum in writing.

V. *And be it further enacted*, that no contract for the sale of any goods, wares and merchandizes for the price of ten pounds or upwards, shall be allowed to be good, except the buyer accepts part of the goods so sold, or actually receive the same, or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or by their agents thereunto lawfully authorised *(b)*.

Eng. stat. 29. Car. 2. c. 3. sect. 7. Declarations of trusts, &c. to be proved by writing or last will of the party

VI. *And be it further enacted*, That from and after the said first day of May, all declarations or creations of trusts or confidences of any lands, tenements or hereditaments, shall be manifested and proved by some writing signed by the party who is, by law, enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of none effect.

Exception as to conveyances of lands, &c. where a trust might arise

VII. *Provided always*, That where any conveyance shall be made of any lands or tenements, by which a trust or confidence shall or may arise or result by the implication or construction of law, or be transferred or extinguished by an act or operation of law, then and in every such case, such trust or confidence shall be of the like force and effect, as the same would have been, if this Act had not been made; any thing herein before contained to the contrary notwithstanding *(c)*.

Grants and trusts to be in writing or by last will of the party

VIII. *And be it further enacted*, That all grants and assignments of any trust or confidence, shall likewise be in writing, signed by the party granting or assigning the same, or by such last will or devise, or else shall be utterly void and of none effect.

Sheriff &c. to execute writs and to do execution of all such lands, &c.

IX. *And be it further enacted*, That it shall and may be lawful for every Sheriff or other officer, to whom any precept or writ shall be directed, upon any judgment or recognizance, to do execution of all such lands, tenements and hereditaments, as any other persons be seized or possessed of in trust for him against whom execution is sued, as if the party against whom execution shall be sued, had been seized of such lands, tenements and hereditaments, of such estate as they be seized of in trust for him at the time of the execution sued, which lands, tenements and hereditaments, shall be accordingly held, freed from all incumbrances of such persons seized or possessed in trust.

Heir chargeable with the obligation of his ancestor

but not out of his own estate.

X. And if any *cestui que Trust*, shall die leaving a trust in fee simple to descend to his heirs, such trust shall be assets by descent, and the heir shall be chargeable with the obligation of his ancestor, as if the estate in law had descended to him. *Provided* that no heir, who shall be chargeable by reason of any estate or trust made assets by this law, shall by reason of any plea, confession of the action, or suffering judgment by *nient dé dire*, or other matter, be chargeable to pay the condemnation out of his own estate, but execution shall be sued of the whole estate so made assets, in whose hands soever it shall come after the writ purchased, in the same manner as by the common law, where the heir pleading a true plea, judgment is prayed against him thereupon.

Repealed by 3d Victoria Chap. 25th Sec. 2d 1839

Eng stat. 29. Car. 2. c. 3 sec. 12. estate *pur auter vie* deviseable by will, If no devise, to be chargeable in the hands of the heir; as affects by descent; and special occu-

XI. *And be it further enacted*, That any estate *pur auter vie*, shall be deviseable by a will in writing signed by the party devising the same, or by some other person in his presence and by his express direction, attested and subscribed in the presence of the devisor by three or more witnesses; and if no such devise thereof shall be made, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of a special occupancy, as assets by descent, as in case of lands in fee simple; and in case there be no special occupant thereof, it shall go to the executors or administrators of the party that had the estate thereof by virtue of the grant and

(a) 1 Vern. 151. Hollis versus Whiting. Cases under particular distinctions determined to be out of the Statute of Frauds. Equity Cases abridged, Fo. 19, 20.
(b) 2. Chanc. Cases, 135. Leak versus Morrice.
(c) 2. Vent. 361. 1. Vern. 369.

and ſhall be aſſets in their hands, and ſhall be ſubject to the payment of legacies, and be diſtributable, after payment of debts, in the ſame manner as other eſtates of inteſtate perſons are diſtributable by the laws of this province.

pant, to go to executors, and to be diſtributable as inteſtate eſtates

XII. *And be it further enacted*, That the firſt Judge on the bench in any of His Majeſty's Courts, ſhall ſign every judgment without fee, and ſet down the day of the month and year of his ſo doing, upon the paper or docket which he ſhall ſign; which day of the month and year, ſhall be alſo entered upon the margin of the record, where the ſaid judgment ſhall be entered.

Eng. ſtat. 29. Car. 2. c. 3. ſec. 14. 15. Firſt Judge on the bench to ſign judgment without fee,

XIII. And ſuch judgments as againſt purchaſers *bona fide* for valuable conſiderations of lands to be charged thereby, ſhall, in conſtruction of law, be judgments only from ſuch times as they ſhall be ſo ſigned, and ſhall not relate to the firſt day of the term whereof they are entered, or to the day of the return of the original or filing the bail.

which ſhall be deemed a judgment from ſuch time only

XIV. *And be it alſo enacted*, That no ſatisfaction ſhall, at any time, be entered on the record of any judgment, upon the motion of any attorney, except the ſaid attorney ſhall prove his warrant for acknowledging ſuch ſatisfaction, by affidavit of one credible witneſs in writing, to be filed in the office where ſuch judgment is entered.

No ſatisfaction of judgment to be entered on record unleſs warrant proved by affidavit of one witneſs. *Eng. Stat. 29. Car. 2. c. 3. Sect. 16.*

XV. *And be it further enacted*, That no writ of execution ſhall bind the property of the goods of the party, againſt whom ſuch writ of execution is ſued forth, but from the time ſuch writ ſhall be delivered to the Sheriff, Under-ſheriff or Coroner, to be executed; and the Sheriff, Under-ſheriff and Coroners, ſhall, upon the receipt of any ſuch writ, without fee, indorſe thereon the day of the month and year whereon they received the ſame.

No execution to bind the property of goods, but from the time that it is delivered to the Sheriff.

Conſtruction of Stat. of Frauds reſpecting Wills of Real Eſtates, vide Equity Caſes abridged, Tit. Will and Teſtaments, Letter A.

The clauſes of the Eng. Stat. 29. Car. 2. c. 3. ſec. 5, 6, and 19—25, are enacted by Prov. Law, 32. Geo. 2. c. 11. relating to Wills and Teſtaments, &c.

CAP. XIX.

An ACT to provide for the ſupport of Baſtard Children, and the puniſhment of the Mother and reputed Father.

BE it enacted, *by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That from and after the twenty-fifth day of March, inſtant, if any woman ſhall be delivered of a baſtard child, which ſhall be chargeable or likely to be chargeable to the Province, ſhe having declared to the midwife, or other perſons aſſiſting her at the time of delivery, who the father of ſuch child was, and ſhall have at ſome time before, declared herſelf to be with child, and that ſuch child is likely to be born a baſtard, and to be chargeable to any place within the Province, and ſhall in either of ſuch caſes, upon examination to be taken in writing upon oath, before one Juſtice of the Peace, near where ſuch place ſhall lie, charge any perſon with having gotten her with child; it ſhall and may be lawful for ſuch Juſtice, upon application made to him by the Overſeers of the Poor of ſuch place, or any one of them, or ſome ſubſtantial houſeholder of ſuch place, to iſſue out his warrant to apprehend ſuch perſon ſo charged as aforeſaid, and to bring him before him or ſome other of His Majeſty's Juſtices, and to commit ſuch perſon to goal or the houſe of correction, unleſs he give ſecurity to indemnify ſuch place from the ſupporting or maintanining ſuch child or children, and ſhall enter into recognizance with ſufficient ſecurity for his appearance at next Quarter Seſſions, where he ſhall be continued on recognizance till the woman is delivered of ſuch child or children, *Provided*, that if ſuch woman ſhall die or be married before ſhe be delivered or miſcarry of ſuch child or children, or ſhall appear not to have been with child at the time

Eng. Stat. 18 *Eliz. c.* 3. 7. *Ja.* 1. *c.* 4. *Sect.* 7. 13 & 14. *Car.* 2. *c.* 12. *Sect.* 19. 6. *Geo.* 2. *c.* 31. If a woman be with child of a baſtard likely to be chargeable to any place within the province, the father to be bound by one juſtice, with ſureties to indemnify ſuch place,

and to appear at next ſeſſions, and ſo to be continued till the woman be delivered.

time of her examination, ſuch perſon ſhall be diſcharged from his recognizance at the next Seſſions, or immediately releaſed out of cuſtody, if committed.

Order to be made by two Juſtices for the relief of any place, and that the mother or reputed father ſhall find ſecurity that ſuch child ſhall not be burthenſome, or pay 20l.

II. *And be it further enacted*, That any two Juſtices of the Peace near the place where any baſtard child ſhall be born, upon complaint made, by the Overſeers of the Poor or any one of them, or of ſome ſubſtantial houſholder, upon due examination of the cauſe and circumſtances, ſhall and may by their diſcretion make an order for the relief of ſuch place, or children, and for keeping ſuch baſtard child, and that ſaid mother or reputed father of ſuch child or children, ſhall find ſufficient ſecurity that ſuch child ſhall not become burthenſome or chargeable to any place in ſaid Province, or pay the ſum of twenty pounds, which ſhall be paid into the hands of the Overſeers of the Poor, for the ſupport of ſuch child or children, or other town uſes. And if, after the ſaid order made by ſaid Juſtices, and by them ſubſcribed and directed to the Overſeers of the Poor, any of ſaid Perſons, viz. either the father or mother, upon notice thereof, ſhall not for his or her part obſerve and perform ſaid order, then ſuch party, making default, to be committed to goal or houſe of correction for the ſpace of ſix months, except he or they ſhall give ſufficient ſecurity to perform ſaid order, or elſe perſonally appear at the next Quarter Seſſions and abide by ſuch order as ſhall be made at ſaid Seſſions in that behalf, and if no order ſhall be made at ſaid Seſſions, then to abide by the firſt order.

on failure to be committed for ſix months.

Woman accuſing a man wrongfully, to be ſent to the houſe of correction for ſix months.

III. *And it is hereby further enacted*, That in caſe any woman ſhall accuſe or charge any man with having gotten her with child, though the woman be not with child, or that the child be not really his, but appears to be only a contrivance to defame the perſon or cheat him of his money, that in ſuch caſe the ſaid woman ſhall be ſent to the houſe of correction, there to be whipped and remain for the ſpace of ſix months.

Appeal to the next ſeſſions, upon ſecurity given.

IV. *Provided nevertheleſs*, That if any perſon ſhall think himſelf wrongfully charged, or if the perſon charging him be a woman of ill fame or a common whore, in ſuch caſes, upon giving ſecurity to abide the judgment of the Court, he may appeal from the order of the Juſtices, to the next Seſſions, when the whole cauſe may be heard and tried by ſuch Court on the verdict of a Jury.

1. Stra. 503. 612. 2 Stra. 716, 1054.

CAP. XX.

An ACT for puniſhing Criminal Offenders.

Amendments or additions to this Act, 1ſt Geo. 3. cap. 1. 10th Geo. 3d. cap. 6. 14th and 15th Geo. 3. cap. 10. See alſo ſo far as reſpects forgery and perjury. 32d. Geo. 2d. cap. 2. ſec. 12.

Blaſphemy

BE it *enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That if any perſon ſhall preſume wilfully to blaſpheme the holy name of GOD, Father, Son, or Holy Ghoſt, or to deny, curſe, or reproach the true GOD, his creation or government of the world, or to deny, curſe, or reproach the holy word of GOD, that is, the canonical ſcriptures in the books of the old and new teſtament; every ſuch offender, being thereof duly convicted at the Court of Aſſize and General Goal Delivery, or Seſſions of the Peace, ſhall be ſet twice in the pillory, for the ſpace of one hour each time, or be impriſoned for three months, at the diſcretion of the Court where ſuch offender ſhall be convicted, (*a*.)

Prophanely ſwearing or curſing. Eng. ſtat. 19 Geo 2. c. 21.

II. *And be it further enacted*, That if any perſon ſhall prophanely ſwear or curſe in the preſence or hearing of any Juſtice of the Peace, or ſhall be thereof convicted by the oath of one credible witneſs, or by the confeſſion of the party, before any Juſtice of the Peace, every perſon offending ſhall forfeit to the uſe of the poor of the town where ſuch offence ſhall be com-

com-

(*a*) Vide the Diſabilities and puniſhment for blaſphemy, by Eng. Stat. 9 and 10, Will. 3. c 32. 1. Strange 416. Rex verſus Hall. 2 Strange 834. Rex verſus Woolſton. Fite Gibbons reports, S. C. 1 Vent. 293. Taylor's caſe. 3 Keb. 607, 621.

mitted, for the first offence, two shillings, and in case such person shall, after conviction, offend a second time, such person shall forfeit double, and if a third time, treble the sum to be paid for the first offence; and upon neglect of payment, the Justice shall issue his warrant to a Constable, commanding him to levy the said forfeitures by distress and sale of the goods of such offender, and the forfeiture, when paid or levied, shall be delivered to the Overseers of the Poor, for the use of the Poor as aforesaid; and in case no distress can be had, such offender being above the age of sixteen years, shall by warrant of the Justice, be set in the public stocks for one hour for every single offence, and for any number of offences whereof he shall be convicted at one time, two hours; and if the party offending be under the age of sixteen years, and shall not pay the forfeitures, he shall, by warrant of the Justice, be whipped by the Constable, or by the Parent, Guardian, or Master of such offender, in presence of the Constable; *provided always*, that every such offence be proved or prosecuted within ten days after the offence committed.

Drunkenness Eng. Stat. 4 Ja. 1. c. 5. & 21. Ja. 1. c. 7

III. *And be it further enacted*, That every person who shall by view of any Justice of the Peace, or confession of the party, or oath of one credible witness before any such Justice, be convicted of drunkenness, shall forfeit and pay for the use of the poor of the town where such offence is committed, the sum of five shillings, to be levied, on neglect or refusal to pay the same, by warrant of distress and sale of the offender's goods, and the said sum, when paid or levied, shall be delivered to the Overseers of the Poor for the use of the Poor as aforesaid, and for want of such distress, such offender shall be set in the stocks for any time not exceeding three hours, at the discretion of the Justice or Justices before whom such offender shall be convicted: and upon a second conviction of drunkenness in like manner as aforesaid, every such offender shall, over and above the penalty aforesaid, be bound with two sureties, in the sum of ten pounds, with condition for the good behaviour, and for want of such sureties, such offender shall be committed to the common goal until he shall find the same; *provided*, That every such offence be proved or prosecuted within ten days after the offence committed

Justice to register Convictions.

IV. *And be it further enacted*, That the Justices of the Peace shall register all the convictions made before them, of such prophane swearing, cursing, or drunkenness, and shall certify the same to the next Quarter Sessions, to be kept upon record by the clerks of the peace, to be seen without fee.

Justice, if sued, to plead the general issue

V. *And be it also enacted*, That if any action shall be brought against any Justice of the Peace, or officer, for any proceedings on the said offences in pursuance of this Act, the defendant may plead the general issue, and give the special matter in evidence, and if the plaintiff shall be non suit, or a verdict shall be found for the defendant, such defendant shall have treble costs.

Counterfeiting, &c foreign coin current in the province

VI. *And be it further enacted*, That every person duly convicted at the Court of General Goal Delivery, or Quarter Sessions, of counterfeiting *(b)* or impairing *(c)*, diminishing or imbasing any foreign coins, current in the province, by washing, clipping, *(d)* rounding, filing, or scaling of the same, or of uttering *(e)* any counterfeited or impaired coin, knowing the same to be so counterfeited or impaired, shall be set in the pillory, by the space of one whole hour, and one of the ears of such offender shall be nailed thereto, and such offender shall also be publicly whipped through the streets of the town where such offence shall be committed, and shall pay all charges of the prosecution *(f)*.

VII.

(*b*) By Eng. Stat. 1. Mar. Stat. 2. c. 6. Sect. 2. counterfeiting foreign coin current in England is adjudged Treason. By Eng. Stat. 14 Eliz. c. 3. counterfeiting foreign coin not current, Misprision of Treason.

(*c*) By Eng. Stat. 18 Eliz. c. 1. sec. 1. impairing, &c. foreign coin current by proclamation in the Realm or Queen's Dominions Treason.

(*d*) Clipping, &c English Coin or Foreign Coin current in England, or the Queen's Dominions, is declared to be Treason by Eng. Stat. 5 Eliz. c. 11. sect. 2.

(*e*) Evidence respecting utterance of counterfeit money. Vide Eng. Stat. 15. Geo. 2. c. 28. & 8 and 9. Will. 3. c. 26, sect. 6.

(*f*) No Foreign coin is now current that is legitimated, and most probably none will, so that on the English Statutes there can be no prosecutions, till some species of foreign coin is legitimated. Judge Foster's first discourse of High Treason, c. 3. sec. 5.

Eng. ſtat. 6 & 7. Will. 3. c. 17. ſec. 4. Buying, clippings, &c.

VII. *And be it further enacted*, That every perſon convicted as aforeſaid, of buying or receiving any clippings, ſcalings, or filings of money, ſhall forfeit the ſum of twenty pounds, one moiety thereof for the ſupport of His Majeſty's Government in this province, and the other moiety to him or them who ſhall inform and ſue for the ſame, and alſo be impriſoned for the ſpace of three months.

Forgery Eng. ſtat. 5. Eliz. c. 14. 2 Stra. 901. Rex. *verſus* Japhet Crooke

VIII. *And be it further enacted*, That if any perſon ſhall forge or counterfeit, or procure to be forged or counterfeit, or willingly aſſiſt in the forging or counterfeiting, any deed or writing ſealed, or laſt will or teſtament, or ſhall publiſh or ſhew forth in evidence, any ſuch forged or counterfeit deed, writing ſealed, or laſt will or teſtament, as true, knowing the ſame to be falſe; or if any perſon ſhall forge or counterfeit, or procure to be forged or counterfeited, or willingly aſſiſt in the forging or counterfeiting any bond, writing obligatory, bill of exchange, promiſſory note for the payment of money, or any endorſement or aſſignment of any bill of exchange, or ſuch promiſſory note for payment of money, or any acquittance or receipt either for money or goods, or any diſcharge of any action, account, debt, demand, or any perſonal thing, with intention to defraud any perſon, or ſhall utter or publiſh as true, any forged or counterfeited bond, writing obligatory, bill of exchange, or ſuch promiſſory note for the payment of money, or ſuch acquittance, receipt or diſcharge, with intention to defraud any perſon, knowing the ſame to be forged or counterfeited; every ſuch perſon being thereof convicted at the Court of Aſſize and General Goal Delivery, or Seſſions of the Peace ſhall be ſet in the pillory, and there have one of his ears cut off, and ſhall alſo ſuffer impriſonment for the ſpace of one year without bail or mainprize; and the party grieved ſhall recover his double coſts and damages, to be aſſeſſed in the court where ſuch conviction ſhall be: *Provided always, and it is hereby enacted*, that this Act, nor any thing herein contained ſhall not extend to charge any judge of probate, or any regiſter, for any of the offences aforeſaid, for putting their ſeal of office to any will to be exhibited to them, not knowing the ſame to be forged or counterfeited, or for writing of the ſaid will or probate of the ſame, nor to any other perſon or perſons that ſhall ſhew forth or give in evidence, any falſe or forged writing for true or good, being not party or privy to the forging of the ſame, not knowing the ſame to be falſe or forged (*g*).

Pillory, &c.

Not to extend to Judge of Probate &c.

Perjury. Eng. Stat. 5. Eliz. c. 9. 2. Stra. 921. Rex *verſus* Philips

IX. *And be it further enacted*, That if any perſon or perſons, either by the ſubornation, unlawful procurement, ſiniſter perſuaſion or means of any other, or by their own act, conſent, or agreement, ſhall wilfully or corruptly commit perjury, by his, her or their depoſition in any Court of Record, or being examined *ad perpetuam rei memoriam*, every perſon ſo offending, and being thereof duly convicted, ſhall forfeit twenty pounds, the one moiety thereof for the ſupport of this His Majeſty's government, and the other moiety to ſuch perſon or perſons as ſhall be grieved by reaſon of the offence, that ſhall ſue for the ſame by any action of debt, bill, plaint, or information in any court of record; and ſhall alſo be impriſoned by the ſpace of ſix months without bail or mainprize. And the oath of ſuch perſon or perſons ſhall not be received in any court of record, until ſuch time as the judgment given againſt the ſaid perſon or perſons ſhall be reverſed, and upon every ſuch reverſal, the parties aggrieved ſhall recover their damages againſt ſuch perſon or perſons, as did procure the ſaid judgment ſo reverſed to be given againſt them or any of them, by his, her, or their action upon the caſe, according to the courſe of the common law (*h*.)

Penalty 20l.

and ſix months impriſonment

X. And if the ſaid offender or offenders ſhall not have any goods or chattels to the value of twenty pounds, then he, ſhe, or they ſhall be ſet on the pillory, by the ſpace of one whole hour, and both his ears ſhall be nailed to the pillory, and from thenceforth ſuch offender

or pillory

ſhall

(*g*) 1 Hawk. P. C. c. 70. ſect. 12—27.
(*h*) 1 Hawk. P. C. c. 69. ſect. 17—23.

shall be discredited and disabled for ever to be sworn in any Court of Record, until such time as the judgment shall be reversed.

Procuring witnesses to commit wilful perjury. Eng. stat. 5. Eliz. c. 9.

XI. *And be it further enacted*, That every person and persons who shall unlawfully and corruptly procure any witness or witnesses, by letters, rewards, promises, or by any other sinister and unlawful labour or means whatsoever, to commit any wilful and corrupt perjury in any matter or cause whatsoever, depending or that shall depend in suit and variance by any writ, action, bill, complaint or information in any Court of Record, or to testify *in perpetuam rei memoriam*; every such offender, being thereof duly convicted, shall suffer the like pains, penalties, forfeitures, and disabilities in all respects, as are hereby directed for the like offences, and the said forfeiture to be recovered and applied in manner as aforesaid.

Judges impowered to enquire of such offences

XII. *And be it further enacted*, That as well the Judges of the said Courts, where such perjury shall be committed, as also the Justices of Assize and Gaol delivery, and the Justices of the Peace at their Quarter Sessions, shall have power to enquire of all the said offences of wilful perjury, and subornation of perjury, and thereupon to give judgment, award process and execution of the same.

Authority of Judges before this Act, not to be restrained

XIII. *Provided*, That the authority of any Judge, having absolute power to punish perjury before the making this Act, shall not be restrained, but that they may proceed in the punishment of the same, in such wise as they might have, and used to do, so that they set not upon such offenders, less punishment than is before directed.

False tokens Eng. stat. 33. Hen. 8. c. 1. 30. Geo. 2. c. 24

XIV. *And be it further enacted*, That if any person or persons shall falsely and deceitfully obtain or get into his, her, or their hands or possession, any money, goods, chattels, jewels or other things of any other person or persons, by colour and means of any privy false token, or counterfeit letter made in another man's name, to a special friend or acquaintance, for the obtaining of money, goods, chattels, jewels or other things, and shall be thereof convicted in any Court of Oyer and Terminer, Court of Assize and General Goal Delivery, or Quarter Sessions of the Peace, every such offender shall suffer such punishment by imprisonment, setting upon the pillory, public whipping, or hard labour in the house of correction, as such court where the offender shall be convicted, shall in their discretion adjudge (*i*).

Pillory

Punishment of persons above 14 years of age, making or publishing any lie, &c

XV. *And be it further enacted*, That if any person or persons, above the age of fourteen years, shall be convicted by confession, or by the oath of one credible witness, before any Justice of the Peace, of making or publishing any lye, libel, or scandalous report, tending to the defamation or damage of any person, or shall, with intent to abuse and deceive others, invent or spread any false news; every such offender shall be fined at the discretion of such Justice, in any sum, not exceeding five pounds, to be paid to the overseers of the poor, for the use of the poor of the town where the offence shall be committed, and shall be bound in a recognizance, with two sureties, for the good behaviour, during such time as the Justice shall think meet; and upon the neglect or refusal of such offender to pay the fine, such Justice may issue his warrant for levying the same by distress and sale of the offender's goods; and in default of such distress, may either commit the offender for one month, or may order such offender to be set in the stocks for three hours, or to be whipped, at the discretion of the Justice, upon the nature and circumstances of the offence, and such offender may be committed until the sureties hereby required, shall be found for the good behaviour. And the party or parties injured shall and may be at liberty, notwithstanding such fine or punishment, to proceed against such offender or offenders by suit in any Court of record, for any special damage sustained by reason of such defamation.

(*i*) 3 inst. 123. Cro. Car. 564. Qu. Whether this offence is fineable, 1 Hawk. P. C. c. 72. sect. 6.

CAP.

CAP. XXI.

An ACT relating to the Assize of Bread, and for ascertaining the standard of Weights and Measures.

The 4th 5th, 6th, 7th and 8th sections of this Act having been repealed by the 36th Geo. 3d. which regulates the assize of bread the same are not re-printed.

Acts which alter or amend this Act, so far as respects weights & measures, 2d. sess. of 33d. Geo. 2d. cap. 6th and 7th Geo. 3d. cap. 4. 32d. Geo. 3d. c. 4.

Weights & measures to be according to the standard of England.

Weights to be procured as a standard

WHEREAS *great frauds are daily committed in this province, because no standard for Weights and Measures, or Assize of Bread, have hitherto been established; be it therefore enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That all weights and measures used in this province, shall be according to the standard of the Exchequer of England: And that the Treasurer of the province, as soon as may be, procure a sett of measures, long, liquid, and dry, and a sett of brass weights and scales, and that until such weights and measures shall arrive, the weights at His Majesty's ordnance store shall be the standard. And the Clerks of the Market for each town, shall procure therefrom a sett of weights according to such standard, which shall remain with them as assay weights, and shall be marked with the letters G II: R:

Persons selling by weights and measures not marked by the Clerk of the Market,

forfeit 20s.

Conviction before one Justice

II. *And be it further enacted,* That every inhabitant of each town respectively, making use of weights and measures in the sale of any commodity, shall, in one week after public notice given by such clerks respectively, bring or cause to be brought, their weights and measures to be assayed, for each of which assay he shall have two pence for his trouble and no more, and the said clerk shall cause such weights and measures to be branded or stampt with the initial letter of the town where such assay shall be made. And whosoever shall thenceforward, sell or vend any commodity by weights or measures not so branded or marked shall forfeit for every such offence twenty shillings, on due conviction thereof, before any one of His Majesty's Justices of the Peace for the county wherein the offence shall be committed, to be levied by warrant of distress and sale of the offender's goods.

Clerks of Market to inspect weights & measures once in 3 months

III. *And for the more effectual preventing such frauds, be it further enacted,* That the said clerks shall, and are hereby impowered, to inspect all weights and measures, and for that purpose one in three months, or oftener if they see cause, shall visit every inhabitant selling publicly by weights and measures, and shall have full power and authority to seize all such not stampt or branded as aforesaid, and may assay and mark and dispose of the same for their use, as a satisfaction for their trouble therein; and if any person shall hereafter be convicted of selling by weights and measures less than the standard hereby established, he shall forfeit the sum of ten pounds, to be recovered by bill, complaint, or information in any of His Majesty's Courts of Record.

Selling by weights & measures less than the standard, penalty 10l.

CAP. XXII.

An ACT declaring what shall be deemed a publication of the Province Laws.

This Act directs the laws to be read on the parade after notice by beat of drum; but having been altered by the Act of the 11th Geo. 3d. cap. 2, the title only has been re-printed

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CAP. XXIII.

An ACT for preventing persons leaving the Province, without a Pass.

Act in amendment of this Act. 6th Geo. 3d. c. 4.

Preamble

WHEREAS *injustice may be done to creditors by persons in their debt privately leaving the Province, and great inconveniences have likewise arisen, from seamen in the Royal Navy and Soldiers, being secretly conveyed away: For preventing thereof, Be it enacted by his Excellency the Governor, Council,*

Council, and Assembly, and by the authority of the same it is hereby enacted, That all and every person or persons, intending to leave this province, shall put up their names publicly at the Secretary's office, for the space of seven days, before they shall obtain any pass, with the day and year when they put up their names, and in case said person or persons are not, within said seven days, underwrote in manner as has been usual, that then and in such case, it shall and may be lawful for the Secretary or his deputy, and they are hereby required, to grant said person a pass, for which he shall receive one shilling only. And in case said Secretary or his deputy shall refuse a pass to any person or persons that have complied with the rules prescribed by this act, he or they shall forfeit the sum of fifty pounds, to be recovered by bill, plaint or information in any of his Majesty's Courts of record in this province, and for the use of the person grieved.

Persons intending to leave the Province, to put up their names at the Secretary's office, 7 days before they shall have a pass

Secretary refusing a pass, forfeits 50l.

II. *And be it further enacted*, That the pass for persons leaving this province shall be in the following words:

" *Province of Nova-Scotia.*

" *PERMIT* *to depart this Province* Form of the pass
" *in the* *Master, bound for*
" *he or they having complied with the act of this province for that purpose.*"
" *Dated*

III. *And be it further enacted*, That whosoever shall underwrite any person or persons, so having their names set up as aforesaid, shall produce at the Secretary's office an affidavit made before one of his Majesty's Justices of the Peace, which affidavit shall remain in the said office, setting forth the cause in writing, if a debt, the sum or sums of money that is due or owing to him or them, to be ascertained as near as they possibly can, and by what means it doth arise, whether by bill, bond, judgment, promise, covenant, or account. And when any person so setting up their names in the Secretary's office as aforesaid, shall be underwrote by any person in manner aforesaid, that then and in such case, it shall be lawful for the Secretary or his deputy, to take good and sufficient security from the person or persons so underwritten, for the sum or sums that he or she is underwrote for; which security shall be in the following words:

Persons underwriting another, to file an affidavit of the debt due

for which sum security is to be taken by the Secretary.

" *KNOW all men by these presents, That we* Form of the bond
" *and* *of Halifax, are firmly bound unto*
" *in the sum of* *to the true payment of which, we bind ourselves, our*
" *heirs and assigns firmly by these presents. Witness our hands and seals this* *day of*

" *THE condition of the above obligation is such, that whereas the above bound*
" *is underwrote by* *of Halifax aforesaid, for the sum of*
" *Now if the said* *or* *they, their heirs or assigns will pay or cause to*
" *be paid to said* *the said sum of* *or such sum as shall legally, upon*
" *trial, appear to be due to said* *then the above obligation to be void, other-*
" *wise to remain in full force and virtue.*"

Secretary's fee.

For taking of which bond the Secretary shall receive two shillings and six pence only.

IV. *Provided always*, and it is the full intention and meaning of this act, that the persons so underwriting, file their actions in the next Inferior Court, after security be given for their debts then due, otherwise the same being pleaded, shall be a sufficient bar to their action or actions.

Actions to be brought at the next Inferior Court

V. *And be it further enacted*, That any person or persons that have been underwrote as aforesaid, upon their giving security as before directed, are hereby entitled to receive their

Persons underwrote to have

their paſs on giving ſecurity

paſs, in like manner as if they had not been underwrote. And the Secretary or his Deputy are hereby impowered to deliver the ſaid bond ſo taken as aforeſaid, to the perſon or perſons that underwrote the perſon ſo going away. And ſaid bond ſhall be good and valid againſt the ſecurity for the recovery of ſuch ſum or ſums as the perſon or perſons, to whom the ſaid bond is delivered, can make appear, upon trial, was really due to him by the perſon he underwrote, with the coſts thereon.

Bonds to be delivered to creditors

Security to be given for payment of all debts by perſons leaving the Province before 7 days are expired

VI. *And be it further enacted*, That in caſe any perſon intending to leave the province before the ſeven days are expired, after ſetting up his or her name, may obtain their paſs from the Secretary or his Deputy, by giving ſufficient ſecurity and entering into bond as aforeſaid, that ſaid ſecurity will pay all the debts ſaid perſon going away has contracted in the province; which bond ſhall be good and valid againſt ſaid ſecurity.

Paſſes to be granted at the out-ports, by commanding officer, &c.

VII. *And it is hereby further enacted*, That in the out ports of this province, paſſes may be obtained from the commanding officer for the time being, or from any other perſon, whom the Governor or Commander in chief ſhall appoint for that purpoſe, who are hereby empowered to grant the ſame, in manner as preſcribed by this act.

Not to extend to military perſons

VIII. *Provided always*, That nothing in this act ſhall be conſtrued to extend to the reſtraining any military perſon or perſons from immediately departing the province, with a ſpecial permiſſion under the hand of the commander in chief of the troops.

Perſons groundleſsly underwriting liable to an action

IX. *And be it further enacted, by the authority aforeſaid*, That if upon trial, it ſhall appear that the cauſe for underwriting any perſon or perſons, ſetting up their names in the Secretary's office to depart this province, be vexatious and groundleſs, that then and in ſuch caſe, the perſon ſo underwriting ſhall be liable to an action of damages, to be recovered as aforeſaid.

Maſters of veſſels carrying any perſon from Halifax, without a paſs

X. *And be it further enacted*, That no maſter of any ſhip or veſſel, going from the port of Halifax, ſhall carry away any perſon whatſoever, without a paſs ſigned by the Secretary of this Province or his Deputy, (except the crew or ſeamen brought with him in ſuch veſſel, at his laſt arrival) nor ſhall leave the ſaid harbour without permiſſion in writing from his Excellency the Governor, Lieutenant-Governor, or Commander in Chief for the time being of this his Majeſty's Province; And the maſter of any ſhip or veſſel offending contrary to the tenor of this act, ſhall forfeit the ſum of fifty pounds, to the uſe of this government, and be liable to pay all damages, to be recovered by bill, plaint, or information in any of his Majeſty's Courts of Record in this Province, to be levied by ſale of the offender's goods and chattels, by warrant under the ſeal of ſaid court, and for want of ſuch goods and chattels, the perſon convicted to be committed to ſome of his Majeſty's goals for the ſpace of ſix months.

forfeit 50l. and liable to all damages

CAP. XXIV.

An ACT for limitation of Actions, and for avoiding ſuits of Law.

Act in amendment of this Act, 36th Geo. 3d. c. 4.
Eng. ſtat. 21. Ja. 1. c. 16.

BE *it enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That all actions or ſuits, either in law or equity, at any time hereafter to be ſued or brought, of or for any lands, tenements or hereditaments, within this Province, whereunto any perſon or perſons now hath or have any title, or cauſe to have or purſue any ſuch actions or ſuits, ſhall be ſued and taken within twenty years next after the end of this preſent Seſſion of the General Aſſembly; and after the ſaid twenty years expired, no perſon or perſons, or any of their heirs, ſhall have or maintain any ſuch action or ſuit, of or for any of the ſaid lands, tenements, or hereditaments; and that all actions or ſuits, either in law or equity, of or for any lands, tenements, or other hereditaments whatſoever, at any time hereafter to be ſued or brought by occaſion or means of any title or cauſe hereafter happening, ſhall be ſued and be taken within twenty years, next after the title and cauſe of action

Actions for the recovery of lands &c. to be brought within 20 years

2 Salk. 421, 422, 423.

tion first descended or fallen, and at no time after the said twenty years, and that no person or persons that now hath any right or title of entry into any lands, tenements, or hereditaments, now held from him or them, shall thereunto enter, but within twenty years next after the end of this present session of the General Assembly, or within twenty years next after any other title of entry accrued.

Persons not entering within 20 years excluded

II. And that no person or persons shall at any time hereafter, make any entry into any lands, tenements or hereditaments, but within twenty years next after his or their right or title, which shall hereafter first descend or accrue to the same, and in default thereof, such person so not entering, and their heirs, shall be utterly excluded and disabled from such entry after to be made.

Saving for minors, &c. *1. Lev. 31. 2. Sand. 121. Abr. Eq. 304 † Cro. Car. 245. 333. 1 Lev. 143. 2. Salk. 420. Eng. stat. 4 and 5. Ann. c. 16.

III. *Provided nevertheless*, That if any person or persons that is or shall be entitled to such actions or suits, or that hath or shall have such right or title of entry, be, or shall be at the time of the said right or title first descended, accrued, come or fallen, within the age of twenty one years, * feme covert, non compos mentis, imprisoned, or beyond the seas †, that then such person and persons, and his or their heirs, shall or may, notwithstanding the said twenty years be expired, bring his action or suit, or make his entry, as he might have done before this act; so as such person and persons, or his or their heirs, shall, within ten years next after his and their full age, discoverture, coming of sound mind, enlargement out of prison, or coming into this province, or death, take benefit of, and sue for the same, and at no time after the said ten years.

Actions of trespass &c. to be commenced within 3 years, after the end of this session, or six years after the cause of such action

IV. *And be it further enacted*, That all actions of trespass *quare clausum fregit*, all actions of trespass, detinue, action of trover, and replevin for taking away of goods and cattle, all actions of account and upon the case, (other than such accounts as concern the trade of merchandize, between merchant and merchant *(a)*, their factors and servants) all actions of debt, grounded upon any lending or contract without specialty *(b)*; all actions of debt for arrearages of rent *(c)*, and all actions of assault, menace, battery *(d)*, wounding, and imprisonment, or any of them which shall be sued or brought, at any time after the end of this present session of General Assembly, shall be commenced and sued, within the time and limitation hereafter expressed, and not after; *(that is to say)* The said actions upon the case (other than for slander) *(e)*, and the said actions for account, and the said actions for trespass, debt, detinue, and replevin for goods or cattle, and the said action of trespass *quare clausum fregit*, within three years next after the end of this present session of General Assembly, or within six years next after the cause of such action or suits, and not after: And the said actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within six months next after the end of the present session of General Assembly, or within one year next after the cause of such actions or suit, and not after; and the said action upon the case for words, within three months after the end of the present Session of General Assembly, or within six months next after the words spoken, and not after.

Battery, &c. within 6 months, &c.

Words within three months.

Any of said actions, be reversed by error or in arrest of judg-

V. *And be it further enacted*, That if in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed by error, or a verdict passed for the plaintiff, and upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that he

(*a*) Accounts open and currentenly, are within this exception; but if stated and a sum certain is agreed to be due to one of the merchants, who neglects to bring his action within the time limited, he is barred by the Statute, 2 Saund. 124—127. 1 Lev. 287. 298. 1 Vent. 89. 1 Mod. 276. 2 Mod. 312. 1 Vern. 456. Nor does the exception extend to any other than actions of account, Carth. 226. Nor to Bills of Exchange, which are barred by the Statute, Carth. 3. 226. unless the Drawee be absent beyond seas. 2. Stra. 856.

(*b*) On Plea of *Solvit ad diem* to bond of 20 years standing, and no interest paid, though out of the Statute, yet length of time will be presumptive proof of payment. So in Chancery Obligee of a bond of 20 years standing was refused any relief, 1 Chan Rep. 78, 88, 106.

(*c*) Debt for arrearages of rent on lease by indenture is out of the Statute, because the indenture is equal to a specialty, but rent reserved on parol leases is barred, 2 Saund. 66.

(*d*) 5 Mod. 74. 1 Lev. 31. 2 Salk. 423.

(*e*) Slander of title is not barred, for the slander intended is to the person, Cro. Car. 141. Palm. 544. 1 Jon. 196.

ment, may be commenced de novo, within one year.

he take nothing by his plaint writ, or bill; or if any the said actions shall be brought by original, and the defendant therein be outlawed, and shall after reverse the outlawry; that in all such cases the party plaintiff, his heirs, executors, or administrators, as the case may require, may commence a new action or suit from time to time, within one year after such judgment reversed, or such judgment given against the plaintiff, or outlawry reversed, and not after.

In actions of *trespass, quare clausum fregit*, defendant may plead a disclaimer, &c.

VI. *And be it further enacted*, That in all actions of trespass *quare clausum fregit*, hereafter to be brought, wherein the defendant or defendants shall disclaim, in his or their plea, to make any title or claim to the land in which the trespass is, by the declaration, supposed to be done, and the trespass be by negligence or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought; whereupon, or upon some of them the plantiff or plaintiffs shall be enforced to join issue, and if the said issue be found for the defendant or defendants, or the plaintiff or plaintiffs shall be non suited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions, and all other suits concerning the same.

In actions of trespass, &c. no more costs than damages to be given,

VII. *And be it further enacted*, That in all actions of trespass, actions for assault and battery, and all actions for slanderous words, to be sued or prosecuted by any person or persons after the end of this present session of the General Assembly, if the jury, upon the trial of the issue in such action, or the jury that shall enquire of the damages, do find or assess the damages under forty shillings, then the plantiff or plantiffs in such action, shall have and recover only so much costs as the damages so given or assessed, amount unto, without any further increase of the same: And if more costs in any such action be awarded, the judgment shall be void, and the defendant acquitted from the same. *Provided*, That if the judge, at the trial of any action of assault and battery, or action of trespass, shall certify under his hand upon the back of the record, that the assault was sufficiently proved, or that the freehold and title of the land, mentioned in the plaintiff's declaration, was chiefly in question, or that the trespass was voluntary and malicious, the plaintiff, in such case, shall recover his full costs, though the jury should find damages to be under forty shillings. (*f*).

unless the Judge certify, &c.

Actions of trespass &c. accruing to minors, may be brought after their coming to full age.

VIII. *Provided nevertheless*, That if any person or persons that is or shall be entitled to any such action of trespass, detinue, action of trover, replevin, actions of account, actions of debt, actions of trespass for assault, menace, battery, wounding or imprisonment, actions upon the case for words, be, or shall be at the time of any such cause of action given or accrued, fallen or come within the age of twenty one years, *feme covert*, *non compos mentis*, imprisoned or beyond the seas; that then such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as are before limited, after their coming to, or being of full age, discovert, of sane memory, at large, and returned from beyond the seas, as by other persons having no such impediment, should be done.

Actions of trespass, &c. may be brought against persons beyond the seas after their return

IX. *And be it further enacted*, That if any person or persons, against whom there is or shall be any cause of suit or action of trespass, detinue, actions of trover or replevin, for taking away any goods or cattle, or of action of account, or upon the case, or of debt, grounded upon any lending or contract without specialty, of debt for arrearages of rent, or assault, menace, battery, wounding, and imprisonment, or any of them, be, or shall be at the time of any such cause of suit or action given or accrued, fallen or become, beyond the seas, that then such person or persons who is or shall be entitled to any such suit or action, shall be at liberty to bring the said actions against such person and persons, after their return from beyond the seas

(*f*) If the action be of a mixed nature as for words and conspiracy or any other wrongs, the case is out of the statute of limitations, and plaintiff shall have costs as usual, Cro. Car. 141. 163. 307. 1. Salk. 206.

ſeas, ſo as they take the ſame after their return from beyond the ſeas, within ſuch times as are reſpectively limited for the bringing of the ſame by this Act.

A legacy is not within the ſtatute. 1 Vern. 256. Debt for an eſcape is not barred, 1 Saund. 37. 1. Lev. 191. Debt on award is out of the ſtatute, 1 Sid. 415. 1. Lev. 273.

In equity, if lands are ſubjected to debts by will or deed, debts barred by the ſtatute ſhall be paid, 1. Salk. 154. 2 Vern. 141.

If debt is acknowledged, and payment promiſed after the ſix years, it brings the debt out of the ſtatute 1. Salk. 28. 29. but 2 Vent. 151. bare owning the debt is not ſufficient.

If debtor or his executor after the ſix years, advertiſe in a news paper that all perſons having debts due, &c. ſhall be paid, this will revive a debt due by note, or a book debt though barred by the ſtatute. Abr. Eq. 305. Andrews verſus Brown.

A truſt is not within the ſtatutes of limitation, Eq. Abr. March. 129. pa. 303.

The ſtatute of limitations is not pleadable in the Court of Admiralty or Spiritual Court, 6 Mod. 25, 26, 2 Salk. 424.

In 2 Salk. 424. 6. Mod. 25. doubted whether ſtatute of limitations was a good plea to a ſuit in the Admiralty for Mariners wages, being property determinable at Common Law and merely indulged to the Admiralty juriſdiction. But by Eng. ſtat 4. and 5. Ann c. 16. it is enacted, "That all actions in the Court of Admiralty for ſeamens wages, ſhall be commenced and ſued within ſix years next, after the cauſe of ſuch ſuits ſhall accrue, and not after."

Suing out an original will prevent a barring by the ſtat. Carth. 136. 2. Salk. 420. 3. Mod 311.

CAP. XXV.

Acts in amend. of this Act, 9th Geo. 3d. cap. 3. 33d. Geo. 3d. cap. 12.

An ACT to prevent unneceſſary firing off Guns, and other Fire Arms, in the Town and Suburbs of Halifax.

Perſons firing any guns, in the town of Halifax forfeit 10s.

Maliciouſly firing at any perſon in any dwelling houſe, &c. is by Prov. Act. 32 Geo. 2. c. 13. ſec. 21. Felony without clergy.

BE it *enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That if any perſon or perſons, of what age or degree ſoever, from and after the publication of this act, ſhall unneceſſarily fire out of any gun, fuſee, muſket, piſtol, or other fire arm, in any of the houſes, ſtreets, lanes, wharves, yards, or gardens in the town or ſuburbs of Halifax, every perſon ſo offending, upon conviction thereof, upon the oath of one or more credible witneſs, before any one of his Majeſty's Juſtices of the Peace, ſhall forfeit the ſum of ten ſhillings, to be levied by warrant of diſtreſs from ſuch Juſtice, on the offender's goods and chattels, and for want of goods or chattels, ſuch offender ſhall be committed to gaol for the ſpace of twenty four hours.

Proſecution in 12 hours

II. *Provided* that no proſecution for breach of this act ſhall be admitted, unleſs complaint be made thereof within twelve hours, at leaſt, after the offence committed.

One half to proſecutor, the other to government.

III. All forfeitures ariſing by virtue of this Act, ſhall be one half to him or her who will proſecute for the ſame, and the other to the uſe of this His Majeſty's government.

CAP. XXVI.

Diſability of Papiſts under this Act, removed by the Act of the 23d Geo. 3d. cap. 9.

An ACT directing the Guardianſhip of Minors.

Eng. ſtat. 12. Car. 2. c. 24.

BE it *enacted, by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That from and after the publication hereof, where any perſon ſhall have children under the age of twenty one years, and not married at the time of his death, it ſhall be lawful for the father of ſuch children, whether born at the time of the deceaſe of the father, or at that time *en Ventre ſa mere*, or whether ſuch father be within the age of twenty one years, or of full age, by deed executed, or by his laſt will and teſtament in writing in the preſence of two credible witneſſes, to diſpoſe of the cuſtody and tuition of ſuch children, for ſuch time as they ſhall reſpectively remain under the age of twenty one years or any leſſer time, to any perſons in poſſeſſion or remainder, other than perſons not proteſtants: And ſuch

Father at his death, may diſpoſe of the cuſtody of his children, being minors

to any perſon other than perſons not proteſtants

dif-

who may have actions against persons wrongfully detaining them

disposition of the custody of such children shall be good, against all persons claiming the custody and tuition of such children; and such person, to whom the custody of such children shall be disposed or devised, may maintain an action of ravishment of ward, or trespass, against any person who shall wrongfully take away or detain such child, and shall recover damages in the said action, for the use of such children (*a*).

Guardians may take possession of lands, &c. for the use of such minors

II. *And be it further enacted*, That any persons, to whom the custody of such children shall be so disposed or devised, may take into their custody, to the use of such children, the profits of all lands, tenements, or hereditaments, and also the management of the goods and personal estate of such children, till their respective age of twenty one years, or any lesser time, according to such disposition, and may bring such actions in relation thereto, as such children themselves might do if arrived at full age (*b*).

The Governor to dispose of the custody of children of persons dying not protestants

III. *And be it further enacted*, That whensoever any person, not being a protestant, shall die seized of any such estate in lands, tenements, or hereditaments, for which his heirs should be in ward, his heirs being under the age of twenty one years at the time of the death of his ancestor, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief of the Province for the time being, after due proof to him of the death of such person not being a protestant, and of his heir being so under age, to dispose of the custody and tuition of such heirs, for such time as they shall remain under the age of twenty one years, or any lesser time, to any persons next of kin to the heir, being a protestant, if they shall apply for the same; or in default thereof to any other person being a protestant as aforesaid.

The Governor, &c. to allow of guardians chosen by minors, &c.

2. Inst. 14. 4. Co. 126. Beverley's case. Staunford's prerog 37,

IV. *And be it further enacted*, That the Governor, Lieutenant-Governor, or Commander in Chief for the time being, when and so often as there shall be occasion, be, and is hereby impowered to allow of guardians, that shall be chosen by minors of the age of fourteen years, and to appoint guardians for such as shall be within that age, taking sufficient securities of all such guardians, for the faithful discharge of the trust, as hereinafter directed, and to account either to the Governor, Lieutenant Governor or Commander in Chief, or minor, when such minor shall arrive at full age, or at such other time as the said Governor, Lieutenant-Governor, or Commander in Chief, upon complaint to him made, shall see cause.

Guardians to enter into recognizance with sureties, for educating minors in the protestant religion, &c.

V. *And be it further enacted*, That all such persons to whom the tuition and custody of such heirs shall be committed, shall first enter into recognizance, to the use of the said heir, with good sureties, before the said Governor, Lieutenant-Governor, or Commander in Chief, with condition for the educating the said heirs in the protestant religion, and for the management and disposal of the estates of such heirs, to their use and best advantage, and for the rendering a just account of the profits of such estates to the said Governor, Lieutenant-Governor, or Commander in Chief, when thereto required, or to such heirs when they shall come of full age, and for the not committing any waste thereupon: And such disposition of the custody of such heirs shall be good against all persons claiming the custody or tuition of such heirs; and such persons to whom the custody of such heirs shall be disposed as aforesaid, may maintain an action of ravishment of ward or trespass, against any persons who shall wrongfully take away or detain such heirs, for the recovery of such heirs, and shall recover damages in the said action, for the use of such heirs.

and may take into their custody the profits of all lands, &c. of such minors

VI. *And be it further enacted*, That such person to whom the custody of such heirs shall be so disposed, may take into their custody, to the use of such heirs, the profits of all lands, or tenements, and also the management of the goods and personal estate of such heirs, 'till their respective age of twenty one years, or any lesser time, according to such disposition, and may bring such actions in relation thereunto as such heirs might do, if arrived at full age. VII.

(*a*) For the construction of the Eng. stat. 12 Car. 2. c. 24. as to the trust and powers of testamentary guardians, and in what cases their authority may be revoked, and other guardians appointed, or security required from testamentary guardians, vide Vaughan 177—187. Bodell versus Constable. Abr. Eq. 260, 261.

(*b*) Guardians may make leases of minors lands, vide Co. Lit. 88. Vaugh. 18. Lit. sec. 123, 124. Bro. Tit. Gard. 70. Tit. Gardian 19. 2 Ro. Ab. 41. Cro. Ja. 55. 98. and such leases are voidable only by the infant but not void. 2. Ro. Ab. 256. Guardian may make partition of lands, and it shall bind the infant, if the partition be equal.

VII. *And be it further enacted*, That if such person to whom such grant shall be made of the custody of such children, shall die before he hath yielded an account unto the said heirs, of the profits of such lands or tenements, and the management of such goods and chattels, deducting all necessary and just charges, the heirs, executors or administrators of such guardian shall be liable, and yield a full account unto the said heir, his executors and administrators, of such profits, goods, and chattels, real and personal, so received by the guardian, for the benefit of the said heirs, deducting all necessary and just charges as aforesaid, so far as they shall have assets from the said guardian, or in his right at the time of demand of satisfaction for the same; and if the said children shall die before they shall attain to their age of twenty one years, it shall be lawful for the executors or administrators of such children to call the persons so trusted for the benefit of them, and the heirs, executors or administrators, to an account for the same *(c)*.

If the guardian die before he hath accounted for such profits his heirs &c. liable to account with the heir

VIII. *Provided always*, That this Act shall not extend to discharge any apprentice from his apprenticeship, or such poor children as may hereafter be bound out by the Overseers of the Poor, or such children as may hereafter be found proper objects of their care, as is provided for by law.

This Act not to extend to discharge apprentices, &c.

IX. *And forasmuch as it often happens, that children are not born till after the death of their fathers, and also have no provision made for them in their wills, Be it therefore further enacted, by the authority aforesaid*, That as often as any child shall happen to be born after the death of the father, without having any provision made in his will, every such posthumous child shall have right and interest in the estate of his or her father in like manner, as if he had died intestate *(d)*, and the same shall accordingly be assigned and set out as the law directs for the distribution of the estates of the intestates.

Provision for posthumous children

This section repealed by 5th Vict. ch. 22nd section 65 - 1842

(c) For what acts guardians are accountable, vide 2. Inst. 305, 306 413. Bro'. Tit. Disseisin. 95. Co. Lit. 57. b. 231. a. a. Inst. 134. 1 Ro. Abr. 731.

(d) By Eng. stat. 10 and 11. Will. 3. c. 16. sec. 1. Posthumous children may take contingent remainders, as if born in the life time of the father, although no estate be limited in settlements, to preserve contingent remainders until the children are born.

CAP. XXVII.

An ACT for confirming the past proceedings of the Courts of Judicature, and for regulating the further proceedings of the same.

That part of this Act which regulated the sittings of the Supreme Court having been altered by subsequent Acts, only the last clause has been re-printed

II. *And be it further enacted*, That all rules and orders, proceedings, pleadings, sentences, verdicts and judgments, in the said Courts respectively, and all executions awarded thereon, shall be, and are hereby ratified and confirmed. And all proceedings and judgments heretofore had and made, before any two Justices, or one Justice, are hereby ratified and confirmed.

Former proceedings confirmed

The remaining part of this Act, which regulated the proceedings of the Courts of Justice, was temporary, and is expired.

CAP. XXVIII.

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

Expired.

CAP.

CAP. XXIX.

Expired. An ACT for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.

This act was to amend an Act passed in the same Session.

CAP. XXX.

Expired. 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.

CAP. XXXI.

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

CAP. XXXII.

Expired. An ACT for the better Observation and Keeping of the Lord's Day.

CAP. XXXIII.

Expired. An ACT for the granting to His Majesty, an Excise upon Wine, Rum, and other distilled Spirituous Liquors sold by retail.

CAP. XXXIV.

Expired. An ACT for granting and establishing an allowance to the Collectors of the Impost and Excise Duties.

CAP. XXXV.

Expired. An ACT in addition to and Amendment of a Resolution of the Governor and Council of this Province of the 14th April 1755, intitled an Act, to prevent the cutting and splitting of Hides, revived this present Sessions of General Assembly.

CAP.

CAP. XXXVI.

An ACT in addition to and explanation of an Act passed this Session entitled, An Act, for confirming the past proceedings of the Courts of Judicature and for regulating the further proceedings of the same.

On examining the records of the General Assembly, I cannot find this Act; yet the title has been re-printed in former editions of the Laws, from which it appears to have expired.

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 last Session of the first General Assembly convened in the said Province.*

* In the time of Charles Lawrence, Governor, Jonathan Belcher, Chief Justice, Wm. Nesbit, Speaker, John Duport, Secretary of Council, David Lloyd, Clerk of Assembly.

CAP. I.

An ACT for regulating and maintaining an House of Correction or Work-House within the Town of Halifax, and for binding out Poor Children.

Acts in addition to or amendment of this Act, 3d. and 4th Geo. 3d. cap 9. 32d. Geo. 3d. cap. 5.

Preamble

WHEREAS *by an Act of the General Assembly of this Province, entitled,* " An Act for erecting an House of Correction or Work-House within the town of Halifax, *made and passed at their Session begun and holden at Halifax the second day of October, one thousand seven hundred and fifty eight, the sum of five hundred pounds of the monies then in the treasury of the province, collected for the duties on spirituous liquors, was appropriated for erecting an House of Correction or Work-House within the town of Halifax; Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That the overseers of the poor of the town of Halifax be, and accordingly they hereby are authorised and impowered, when and so soon as the said House of Correction shall be built and finished, to agree with some discreet and fit persons to be the master and keeper, and needful assistants for the care of the same; and to provide, as there shall be occasion, suitable materials, tools, and implements, necessary and convenient for keeping to work such persons as may be committed to the said House; and generally

Overseers of the poor to appoint keeper, &c. of the workhouse,

and to make rules and order for

the government thereof

generally, to inſpect and direct the affairs of the ſaid houſe; and from time to time, to make ſuch rules and orders as they ſhall judge beſt for the good government thereof.

Juſtices to commit offender

II. *And be it further enacted*, That it ſhall and may be lawful for the Juſtices of the Peace in their General Seſſions, or for any one Juſtice of the Peace out of court, to ſend and commit to the ſaid houſe of correction, to be kept, governed, and puniſhed according to the rules and orders thereof, all diſorderly and idle perſons, and ſuch who ſhall be found begging, or practiſing any unlawful games, or pretending to fortune telling, common drunkards, perſons of lewd behaviour, vagabonds, runaways, ſtubborn ſervants and children, and perſons who notoriouſly miſpend their time to the neglect and prejudice of their own or their family's ſupport; upon due conviction of any of the ſaid offences or diſorders.

Keeper to ſet offenders to work

and to puniſh them by whipping

III. *And be it further enacted*, That the maſter or keeper of the ſaid Houſe of Correction, ſhall have power and authority to ſet all ſuch perſons as ſhall be duly ſent or committed to his cuſtody, to work and labour, if they be able, for ſuch time as they ſhall continue and remain in the ſaid houſe; and to puniſh them by putting fetters and ſhackles upon them, if neceſſary, and by moderate whipping, not exceeding ten ſtripes at once, which (unleſs the warrant of commitment ſhall otherwiſe direct) ſhall be inflicted at their firſt coming in, and from time to time afterwards at his diſcretion in caſe of their being ſtubborn or idle, and neglecting to perform ſuch reaſonable taſks as ſhall be aſſigned them, and to abridge them of their food, as the caſe may require, until they be reduced to better behaviour.

Perſons committed not to be chargeable to the government

IV. *And be it further enacted*, That no perſon committed to the ſaid Houſe of Correction, ſhall be chargeable to the government, for any allowance, either at going in or coming out, or during the time of their abode there, but ſhall be maintained out of their earnings, and the remainder thereof ſhall be accounted for by the maſter or keeper of the ſaid houſe, who ſhall keep an exact account thereof, and render the ſame upon oath, if required, to the ſaid overſeers, when demanded.

Idiots &c. to be taken care of and relieved by the keeper

V. *And be it further enacted*, That if any perſon or perſons committed to the ſaid houſe of correction, be idiots, or lunatic, or ſick and weak, and unable to work, they ſhall be taken care of and relieved by the maſter or keeper of the ſaid houſe, who ſhall keep an exact account of what charges he ſhall neceſſarily be at therein; to be rendered to the ſaid overſeers, upon oath, if demanded.

Pay of the keeper, &c. how to be defrayed

VI. *And be it further enacted*, That the pay of the ſaid maſter or keeper of the ſaid Houſe of Correction, and the charge for any materials, tools, or implements purchaſed as beforementioned, or ariſing by the relief of perſons unable to work, and other neceſſary expences of the ſaid Houſe, ſhall be defrayed out of the ſurplus of the earnings of the labour done in the ſaid houſe, if the ſame ſhall be ſufficient therefor; or otherwiſe, ſhall be advanced out of money in the treaſury of the province, to be iſſued by warrant under the hand and ſeal of the Governor or Commander in Chief for the time being, and His Majeſty's Council of this Province, to be reimburſed to the ſaid treaſury out of ſuch profits as may afterwards ariſe as aforeſaid.

Poor children to be bound apprentices by the Overſeers of the Poor, with the conſent of two Juſtices

VII. *And be it further enacted*, That the ſaid overſeers of the poor ſhall take order from time to time, by and with the conſent of two or more Juſtices of the Peace for the County of Halifax, for ſetting to work the children of all ſuch, whoſe parents ſhall not, by the ſaid overſeers, or the greater part of them, be thought able to keep or maintain them, or any poor orphans; or by indenture to bind any ſuch children or orphans as aforeſaid, to be apprentices, where they ſhall ſee convenient, till ſuch man child ſhall come to the age of twenty one years, and ſuch woman child to the age of eighteen years, or the time of her marriage; the ſame to be as effectual to all purpoſes as if ſuch child were of full age, and by indenture of covenant had bound him or herſelf. *Provided always*, that one of the conditions of ſaid indentures ſhall be, that if the ſaid maſter or miſtreſs of ſaid apprentice or other perſon to

Proviſo not to carry them out

whom

whom said indenture may be assigned, shall transport or carry said apprentice out of this province, to reside or dwell in any other colony or plantation, that then the said indenture shall be void and of none effect, and the said apprentice shall thenceforth be discharged from any further service to his said master, mistress or assigns. *Provided also*, that the children maintained and supported in the Orphan House at the expence of the Crown, shall remain and be under the direction of the Governor as heretofore, and bound out in such manner as he shall order and direct.

of the province.

Children in the Orphan House excepted

CAP. II.

Acts to amend or alter this Act, 28th Geo. 3d. c. 3. 33d. Geo. 3d. cap. 35th Geo. 3d. cap. 3. 37th Geo. 3d. cap 40th Geo. 3d. cap. 41st Geo. 3d cap.

An ACT for regulating and maintaining a Light-House on Sambro Island.

Preamble.

WHEREAS *by an Act of the General Assembly of this province, entitled,* An Act for erecting a Light-House at the entrance of the harbour of Halifax, *made and passed at their Session begun and holden at Halifax, the second day of October*, 1758, *the sum of One Thousand Pounds out of the monies then in the treasury of the province, collected from the duties on spirituous liquors, was appropriated for the erecting a Light-house on the island commonly called and known by the name of* Sambro Outer Island, *at the entrance of the harbour of Halifax; and it was enacted, that until such Light-House should be erected, the commissioners appointed for carrying the said Act into execution should cause a beacon and light to be placed on the said Island for the benefit of vessels coming into the said harbour: Be it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted*, That from and after the first day of September next, there shall be paid by the master of every merchant vessel coming into or going out of the harbour of Halifax, at her going out of the said harbour, (other than coasters and fishing vessels, and such transport or other vessels employed in His Majesty's service, as shall, by their charter party, be exempted from paying port charges) a duty of six pence per ton currency, for so many tons as shall appear to the satisfaction of the receiver, or by the oath of the master, (which oath the said receiver, is hereby authorised to administer) to be the real burthen thereof.

All vessels, except coasters, &c. to pay a duty of six pence per ton

II. *Provided*, That all ships or vessels wholly belonging to any person, that is a freeholder and inhabitant in this province, shall only pay four-pence per ton: the said duty to be paid before clearing the said vessel, to such person or persons as shall hereafter be appointed by his Excellency the Governor for that purpose; who are hereby authorised to demand and receive the same, and upon refusal of payment, to sue for and recover the said duty before two of His Majesty's Justices of the Peace, or in case the sum shall not exceed forty shillings, before one justice.

Vessels belonging to freeholder in the Province, to pay only four pence per ton

III. *And be it further enacted*, That no vessel shall be deemed a fishing vessel, within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a coaster, excepting such as shall be wholly employed within the province.

What vessels are deemed coasters, &c.

IV. *And be it hereby further enacted*, That every coasting vessel shall pay, in lieu of the said duty, at the rate of twenty shillings per annum, and no more, to be received and recovered in manner as aforesaid.

Coasters to pay at the rate of 20s. per annum.

V. *And be it further enacted*, That all monies arising by the aforesaid duty, shall be paid into the treasury of the province, and be applied towards the support of the said Light-House; to be issued for the said purpose, by warrant under the hand and seal of the Governor or Commander in Chief for the time being of the Province; and in case there be more monies raised than is necessary for the support of the said Light-House, the surplusage to be applied to the uses of the Government.

Monies arising by the duty to be applied to the support of the light-house And the surplus to the uses of the government

CAP.

CAP. III.

An ACT for the quieting of Poſſeſſions to the Proteſtant Grantees of the Lands formerly occcupied by the French Inhabitants, and for preventing vexatious Actions relating to the ſame.

For the Acts in addition to this Act. ſee note on the 31d. Geo. 2d. cap. 2.

Preamble

WHEREAS this Province of Nova Scotia or Acadie, and the property thereof, did always of right belong to the Crown of England, both by priority of diſcovery and ancient poſſeſſion, and that no grant of property to any of the lands or territories belonging thereto, is of any validity, or can give the poſſeſſor thereof any legal right or title to any part thereof, unleſs derived from thence ;

AND WHEREAS by a treaty of peace concluded at Utrecht, in the year of our Lord one thouſand ſeven hundred and thirteen, between Her Moſt Sacred Majeſty Anne, of Glorious Memory, Queen of Great-Britain, &c. And His Moſt Chriſtian Majeſty, it was concluded and agreed on, that all Nova-Scotia, or Acadie, with its ancient boundaries, and all other things in thoſe parts which depend on the ſaid lands, together with the dominion, property, and poſſeſſion of the ſaid lands and places, and all right whatſoever by treaties or any other way attained, which the Moſt Chriſtian King, the Crown of France, or any other the ſubjects thereof, had to the lands and places, and to the inhabitants of the ſame, are yielded and made over to the Queen of Great-Britain, and to her Crown for ever :

AND WHEREAS at the time of that ceſſion, many of the French King's ſubjects did reſide and dwell within this His Majeſty's province of Nova-Scotia, and did not remove from the ſame, within the ſpace of twelve months, according to the limitation of that treaty, whereby they, and their poſterity became ſubjects of the Crown of Great-Britain in every reſpect; notwithſtanding which, contrary to their allegiance, they began from that time, and continued at all times to aid, aſſiſt, and ſupport, and join with His Majeſty's enemies ; and although His Majeſty, notwithſtanding their manifeſt treaſons and rebellion, in order to extend his indulgence towards them, and if poſſible to reclaim and reduce them to his obedience, was moſt graciouſly pleaſed, by his royal inſtructions to the Governors of this Province, to declare that the ſaid French inhabitants ſhould have the peaceable poſſeſſion of ſuch lands as were under their cultivation ; *Provided*, That they the ſaid inhabitants ſhould within three months from ſuch time as ſhould be thought proper by the Governor, take the oath of allegiance appointed to be taken by the laws of Great, Britain, and likewiſe behave themſelves as became good ſubjects : And although ſeveral proclamations had hitherto been iſſued by His Majeſty's Governors of this province, requiring their oath of allegiance, yet ſo far were they from obeying the ſame, that by a general deputation of their principal men, before His Majeſty's Governor and Council, they abſolutely refuſed to take the ſaid oaths ſo required of them, but on the contrary did ſtill continue to aid, aſſiſt, and join with His Majeſty's enemies, and five hundred of them were found in arms, within the fort of Beauſejour, when the ſame was ſurrendered, and many of them, in company with the Indian Savages, did frequently commit many horrid and barbarous murders on His Maieſty's proteſtant liege ſubjects, who were endeavouring to ſettle themſelves on the lands within this Province, whereby the progreſs of the ſettlement of this Province, with His Majeſty's proteſtant ſubjects, was retarded, and the Crown put to an exceſſive great expence, to defend and protect them ; and alſo by ſuch their treacherous practices, His Majeſty's moſt gracious deſigns, as well towards them, as alſo towards his ſaid proteſtant ſubjects, were fruſtrated; and had they not been timely removed by the prudence and vigilancy of His Excellency the preſent Governor, from the ſaid lands and territories, into other His Majeſty's dominions, this invaluable Province during the courſe of this war, muſt inevitably have fallen into the hands of His Majeſty's enemies the French ;

AND

AND WHEREAS ſince the removal of the ſaid French inhabitants, His Excellency the Governor, in order to make an effectual ſettlement in this Province, and to ſtrengthen the ſame, has been pleaſed to make grants of townſhips to many ſubſtantial and induſtrious farmers, proteſtants, His Majeſty's ſubjects of the neighbouring colonies, in which townſhips are contained, ſome of the lands formerly occupied by the ſaid French inhabitants; and as many other ſubſtantial and induſtrious farmers, proteſtants, are daily applying for grants of townſhips, wherein ſuch lands will be comprehended: And as ſome doubts have ariſen among the ſaid perſons intending to ſettle the ſaid lands, concerning the title of the ſaid French inhabitants to any of the ſaid lands, that may fall within their townſhips: And although the ſaid French inhabitants have not, nor ever had any legal right or title to the ſaid lands, derived from the Crown of Great-Britain, yet, in order to remove ſuch doubts, and to prevent any troubleſome or vexatious ſuits of law that may hereafter be brought for the maintenance of any ſuch right or pretended right to any of the lands within this Province, formerly poſſeſſed or occupied by the ſaid French inhabitants, *Be it enacted by His Excellency the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted*, That no action ſhall be retained in any of His Majeſty's Courts of Record in this Province, for the recovery of any of the lands, within the ſame, by virtue of any former right, title, claim, intereſt, or poſſeſſion of any of the former French inhabitants, or by virtue of any right, title, claim, or intereſt, holden under or derived from them, by grant, deed, will, or in any other manner whatſoever.

No action to be retained in any Court, for any lands by virtue of any right of the former French inhabitants

II. *And be it further enacted*, That when any action ſhall be brought for the recovery of any lands within this Province, and it ſhall appear upon evidence, that the grounds of ſuch action is founded upon any ſuch right, title or poſſeſſion of the ſaid French inhabitants, or derived from them as aforeſaid, that then this Act may be pleaded in bar to all ſuch actions: And all His Majeſty's Judges and Juſtices of the ſaid Courts, are hereby required and enjoined, upon ſuch plea and proof thereof, to diſmiſs ſuch action, and award coſts for the defendants.

Such actions to be diſmiſſed, upon due proof thereof

CAP. IV.

An ACT for the relief of the Poor in the Town of Halifax.

This Act has been executed

CAP. V.

An ACT for regulating Petit Juries, and declaring the qualification of Jurors.

This Act repealed by 36th Geo. 3d. cap. 2d.

CAP. VI.

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.

Expired

CAP. VII.

Reſolution of his Excellency the Governor, Council and Houſe of Aſſembly, in General Aſſembly, in explanation of the Impoſt Act.

Expired

CAP.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the fourth day of December, 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.*

* This Aſſembly was diſſolved on the death of the late King, after having ſat two Seſſions, in the time of Charles Lawrence, Governor, Jonathan Belcher, Chief Juſtice, William Neſbitt, Speaker, John Duport, Secretary of Council, Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT to prevent Gaming.

Public gaming at cards, &c. and all lotteries and public gaming tables ſhall be adjudged nuiſances
1 Hawk. P. C. 198.
All notes, &c. for money, &c. won by gaming, to be void
Eng. ſtat. 9. An. c. 14. ſec. 1.
1. Strange 495

BE *it enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That from and after the publication hereof, all public gaming at cards, dice, tennis, bowls, or any other games whatſoever, and all lotteries, and public gaming tables, ſhall be deemed and adjudged to be nuiſances; and all notes, bills, bonds, judgments, mortgages, or other ſecurities or conveyances whatſoever, given, granted, drawn, or entered into, or executed, by any perſons whatſoever, where the whole or any part of the conſideration of ſuch conveyances or ſecurities ſhall be for any money, or other valuable thing whatſoever, won by gaming or playing at cards, dice, tables, tennis, bowls, or other game or games whatſover, or by betting on the ſides or hands of ſuch as do game at any of the games aforeſaid, (*a*), or for the reimburſing or repaying any money knowingly lent or advanced for ſuch gaming or betting as aforeſaid, or lent and advanced (*b*) at the time and place of ſuch play, to any perſon or perſons ſo gaming or betting as aforeſaid, or to any other perſon or perſons in truſt for, or to the uſe of them ſo gaming or betting, or that ſhall, during ſuch play, ſo game or bet, ſhall be utterly void, fruſtrate, and of none effect, to all intents and purpoſes whatſoever: And that where ſuch mortgages, ſecurities, or other conveyances, ſhall be of lands, tenements, or hereditaments, or ſhall be ſuch as incumber or affect the ſame, ſuch mortgages, ſecurities, or other conveyances, ſhall enure and be to and for the ſole uſe and benefit of, and ſhall devolve upon ſuch perſon or perſons, as ſhould or might have, or be entitled to ſuch lands, tenements, or hereditaments, in caſe the ſaid grantor or grantors thereof, or the perſon or perſons ſo incumbering the ſame, had been naturally dead, and as if ſuch mortgages, ſecurities, or other conveyances, had been made to ſuch perſon or perſons ſo to be entitled after the deceaſe of the perſon or perſons ſo incumbering the ſame; and that all grants or conveyances, to be made for the preventing ſuch lands or tenements or hereditaments

(*a*) 1. Salk. 344 Huſſey verſus Jacob, and Pope verſus St. Leger, and 1 Salk. 345. Anonimus.
(*b*) 2 Stra. 1155. Bowyer verſus Brampton. Innocent indorſee of a note for money knowingly lent to game with, can maintain no action againſt the drawer. 2. Stra. 1249. A parol loan of money to play with is not void, for the word *contract* is not in this Act, though it is in the ſtat. of uſury.

hereditaments from coming to or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect to all intents and purposes whatsoever.

Eng. stat. 9. An. c. 14. sec. 2. Persons losing more than 10s. within 24 hours 1. Salk. 345. Dickson versus Pawlet 2 Mod. 54. Hill versus Pheasant 2. Stra. 1079. Turner versus Warren

II. *And be it further enacted*, That from and after the publication hereof, any person or persons whatsoever who shall by playing at cards, dice, or tables, or any other game or games whatsoever, or by betting on the sides or hands of such as do play at any game or games as aforesaid, within twenty-four hours, or at any one meeting or sitting, lose to any one or more person or persons, so playing or betting, any sum or sums of money, exceeding the sum of twenty shillings, or any other valuable thing or things whatsoever beyond the value of the sum of twenty shillings, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within one month then next following, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt founded on this Act; to be prosecuted in any of His Majesty's Courts of Record, in which action it shall be sufficient for the plaintiff to alledge that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use, the monies so lost and paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this Act; and in case the person or persons who shall lose such money or other thing as aforesaid, shall not, within the time aforesaid, really and *bona fide*, and without covin or collusion, sue and with effect prosecute for the money or other thing so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person or persons, within one month thereafter, by any such action or suit as aforesaid, to sue for and recover the same with costs of suit, against such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the town where the offence shall be committed.

may sue for and recover the same from the winner within 1 month

And in case such person shall not sue within that time,

any other person may sue for and recover the same within 1 month after

One half to the use of the poor

Parents, &c. of persons under age, may sue for money, &c. won from them Eng. stat. 16. Car. 2. c. 7. sec. 2 and 9. Ann. c. 14. sec. 5.

III. *And be it further enacted*, That the parent, guardian, or master of any person or persons under the age of twenty-one years, shall likewise be at liberty to sue for and recover, in manner as is before prescribed, any money or other thing won by gaming from such persons within lawful age, and treble the value of the money so won, with costs of suit.

Persons winning any money, &c. fraudulently to forfeit five times the value 2. Stra. 1048 Rex versus Lockup. The penalty must be sued for after the conviction

IV. *And be it further enacted*, That if any persons, shall, by fraud, unlawful device, or ill practice whatsoever, in playing at any game or games whatsoever, or by bearing a share or part in the stakes, or by betting on the sides of such as shall play, win, or acquire to themselves, or to any others, any money or other valuable thing, every person so winning or acquiring by such ill practice as aforesaid, and being thereof convicted of any of the said offences, upon indictment or information, shall forfeit five times the value of the money or other thing so won as aforesaid; such penalty to be recovered by such person as shall sue for the same by such action as aforesaid.

Two Justices may order gaming tables, to be removed as public nuisances, &c.

V. *And for the better suppressing all public Gaming Houses, it is hereby further enacted*, That it shall and may be lawful to and for any two or more of his Majesty's Justices of the Peace, to enter into any public Houses suspected of keeping any gaming tables, and to order and direct the keepers of such gaming tables, if any such shall be found therein, to remove the same within forty eight hours, as a public nuisance; and any person refusing or neglecting to obey the order of such Justices, the said Justices, shall have power to break and prostrate such public gaming tables, and also to require sufficient security from persons keeping such public gaming houses, for their good behaviour during twelve months, or for their appearance at the next Quarter Sessions, there to be prosecuted for offending against this act, and on conviction, to be either fined or imprisoned, as the court shall direct.

CAP.

CAP. II.

An ACT for permitting Persons of the Profession of the People called Quakers, to make an Affirmation instead of taking an Oath.

Eng. stat. 22. Geo. 2. c. 46. sec. 36

Quakers may make solemn affirmation instead of taking an oath

BE *it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That every person of the profession of the people called Quakers, who shall be required upon any lawful occasion to take an oath, shall instead of an oath in the usual form, be permitted to make his or her solemn declaration or affirmation in these words, to wit.

"I A. B. *do solemnly, sincerely, and truly declare and affirm:*"

Which solemn affirmation shall be adjudged and taken to be of the same force and effect, in all places where by law an oath shall be required, as if such Quaker had taken an oath in the usual form.

Persons falsely affirming to suffer as if guilty of perjury

II. *And be it further enacted*, That every person who shall have made such solemn affirmation, and shall be convicted of wilfully, falsely, and corruptly, having affirmed any thing, which if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, shall incur the same penalties as persons convicted of wilful and corrupt perjury.

Criminal causes excepted

III. *Provided*, That no Quaker or reputed Quaker shall, by virtue of this act, be admitted to give evidence in any criminal causes *(a)*, by such solemn declaration or affirmation as is hereby directed *(b)*.

Quakers to affirm that have been so for one year.

IV. *Provided*, That no persons shall be deemed Quakers within the intention of this act, unless they shall affirm in the form before directed, that they are of the profession of the people called Quakers, and have been so for one year then last past.

To be deemed a public act.

V. *And be it further enacted*, That this act shall be deemed to be a public act, and be judicially taken notice of as such.

(*a*) By Eng stat. 22. Geo. 2. c. 46. sec. 37. Quakers are also disqualified from serving by any affirmation, &c, on Juries, or bearing any place of profit from the government.

(*b*) Attachment, for non performance of award cannot be grounded on affirmation of Quakers, 1 Stra. 441. Nor articles of peace, 1. Stra. 527. Nor appeal of murder, though as between party and party it is a civil suit. 2. Stra. 856. Nor information for a misdemeanor, 2 Stra. 872. Affirmation of service of a rule to shew cause by a Quaker, in a criminal prosecution, was held sufficient to make the rule absolute. 2. Stra. 1219.

CAP. III.

An ACT in addition to an Act, entitled, An Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery.

Preamble

WHEREAS *although in and by the said Act it is enacted, that the sacred rites and ceremonies of Divine Worship, according to the Liturgy of the Church established by the Laws of England, shall be deemed the fixed Form of Worship amongst us, and the place wherein such Liturgy shall be used, shall be respected and known by the name of the Church of England as by Law established; and although a Church is already built, and public worship performed therein, yet no provision is made in the said Act for the choice of Parish Officers, or to empower the Parishioners belonging to the said Church to raise money for the support and maintenance of such ministers as are, or shall be hereafter appointed to officiate therein, and for the repairs of said Church; Be it therefore enacted by his Excellency the Governor,*

Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That the parish of the church commonly called and known by the name of St. Paul's Church, shall extend and comprehend all the lands lying and being in the township of Halifax hereafter to be known and called by the name of the Parish of Saint Paul's, for and during such time as the said township shall consist of one parish only, and that the church wardens and parishoners of said parish, are hereby impowered to meet as soon as convenient may be, notice being first given of such meeting, and the place thereof, by the Rector of said parish, and shall then and there chuse twelve officers of the said parishoners for vestry men, in which vestry shall be included, the ministers belonging to the said church, and officiating therein; and the said church wardens and vestry shall have and exercise all such powers and authorities, for the benefit of the said church, as are usually exercised by church wardens and vestries in the parish churches in England, *(a)* and shall, to all intents and purposes, be, and are hereby empowered, as a body politic incorporate, to sue and be sued, *(b)* and to ask, demand, and sue for the rents due for the pews of said church, for the benefit of the ministers and repairs thereof, and to take and receive all gifts, grants, either of lands or money, to and for the use of the said parish church, and to improve the same for the benefit and advantage thereof, according to their best discretion, and the true intent and meaning of the donors: and the said meeting of the parishioners for the choice of vestry-men, shall hereafter be annually, on Michaelmas day, on which day shall also be chosen, annually, the church wardens for the said church, by the said parishioners. *(c)*

Parish of St. Paul to comprehend all the lands in the township of Halifax.

Church wardens and parishioners to chuse twelve vestry men,

who shall have the same powers as in England.

Church wardens and vestrymen to be chosen on Michaelmas day annually.

II. *And be it further enacted*, That if any of the said parishioners, who shall be regularly chosen into the offices aforesaid, do refuse to serve in the same, he, or they, shall forfeit the sum of five pounds, to be recovered by bill, plaint, or information, in any of his Majesty's Courts of record; which forfeiture shall be to and for the use of the said parish church. *(d)*

Persons refusing to serve forfeit 5l.

III. *And be it further enacted*, That the said parishioners may, by a vote of the majority at their annual meeting then present, grant such sums of money towards the support and maintenance of their minister or ministers, or for the repairs of the said church, as they may think necessary; which said vote shall be binding on all the parishioners belonging to the said church, and others dwelling in the said parish, not exempted by law from paying towards the support of the church of England; which sum or sums of money so voted, shall be assessed in just and equal proportions on every parishioner, according to their several abilities.

Parishioners may at their annual meeting grant money for the support of their ministers, &c.

IV. *And be it further enacted*, That for the greater ease of the parishioners, in paying in such sums so granted, that for every yearly grant for the support of the ministry, it shall be assessed by the church wardens and vestry in two equal assessments, one half to be paid in the first six months, and the other half in the last six months.

to be paid every half year.

V. *And be it also enacted*, That the said church wardens shall, and they are hereby impowered to collect and receive such rates and taxes; and if any person thus rated or taxed, shall

Church wardens to collect the rates.

(*a*) When met, the major part present will bind the whole Parish. Watson's clergyman's law, c. 39. Right of adjourning vestry is in the whole assembly, 2. Stra. 1045. By custom in England, special vestries may make rates, take the accounts of church wardens, &c. but when rates are made, the parishioners must have notice of the vestry to be held for that purpose, when all that are absent shall be concluded by a majority of those present. Wood's inst. Com. L. 90. If parishioner having right to be present, and vote in the vestry, be shut out of the vestry room, action on the case lies, Mod. cases in L. & Eq. 52. 354. 1. Stra. 624.

(*b*) Church wardens are a corporation to sue for church goods, and to purchase goods, for the use of the parish, but not a corporation to purchase lands, or to take by grant. Gibs. Cod. Jur. Eccl. 215. Church wardens cannot dispose of goods without consent of the parish. Watson's clerg. L. c. 39. 1. Roll's Abr 393. Cro. Jac. 234.

(*c*) By custom parish may chuse both the church wardens, 2. Roll's Abr. 287. In London both the church wardens are appointed by the parish. Ld. Raym. 138. But by Can. 89. the minister shall chuse one, and the parishioners another. In new churches the canon must take place, because no custom can be pretended, unless saved by Act of parliament. Gibson Cod. Jur. Eccl. 215.

(*d*) By Eng. Stat. 1 Will. 3. c. 18. sect. 7. 11. (the toleration Act) If a dissenter, not being ordained, be chosen church warden, &c. he may execute the office by a deputy—but a dissenting ordained minister is exempted from being chosen a church warden or to any other parochial office.

What other persons are exempted from all parish offices vide 1. Roll's Rep. 368. 2. Rol's Abr. 272. Eng. stat. 6. Will. 3. c. 4. sect. 2. 3. Eng. Stat. 10. & 11. Will. 3. c. 23. sect. 2. Gibs. Cod. Jur. Eccl. 215.

Mandamus will lie to admit to office of church warden, &c. Ld. Raym. 138. 1. Salk. 166. 1 Stra. 610.

not pay the same within one month, after notice given by such church wardens, that then it shall and may be lawful on the complaint of such church wardens, on oath, that due notice has been given as aforesaid, for any one of his Majesty's Justices of the Peace for the County of Halifax, by warrant of distress under his hand and seal, to cause the same to be levied on the goods and chattels of the person so failing.

Persons over rated may appeal to the Sessions.

VI. *Provided always*, That if any person shall think himself over-rated, he may appeal for redress to the next General Sessions of the Peace for the said county, and the Justices thereof are hereby required and impowered to examine, hear, and determine all and every such appeal or complaint, and to give redress, as they, in their judgment, shall think equitable, and such, their order and judgment, shall be final, and bind all parties.

Rates to be made the first Monday after Easter yearly.

VII. *And be it further enacted*, That the church wardens and vestry may meet as often as the business of the said church shall require, but for the making the assessments and rating the parishioners, they shall, and are hereby enjoined to meet on the first Monday after Easter, yearly, and every year; and no assessment, unless the same be agreed on and subscribed by, at least, seven of the said vestry and church wardens, nor any other act by them done or agreed on to be done, shall be valid, and have its force and effect in law, unless, also, seven of them, at least, be present.

Ministers of the Church of England, subject to the penalties prescribed by the canons and no other.
This clause repeals the penalties by Pro. Law 32. Geo. 2. c. 17. sect. 2. & 3.

VIII. *And be it further enacted*, That the Ministers of the Church of England, not conforming themselves to the rules prescribed by the canons of the said church, shall be subject to the censures and penalties incurred therein and none other, any law, usage, or custom to the contrary notwithstanding,

CAP. IV.

Executed.

An ACT for erecting a Market-House within the Town of Halifax, and for raising a Sum of Money by Lottery for that purpose.

CAP. V.

Repealed by his Majesty in Council.

An ACT to enable Proprietors to divide their Lands held in Common and undivided.

CAP. VI.

For the Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. Cap. 22.

An ACT in addition to an Act, entitled, An Act relating to the Assize of Bread, and for ascertaining the Standard of Weights and Measures, made and passed in the thirty-second Year of His Majesty's Reign.

No provisions or goods of any kind (except hay) to be sold by Steelyards, on penalty of 20s.

BE *it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That from and after the first day of May 1760, no provision or goods of any kind shall be sold within the province, by steelyards (except the article of hay) under the penalty or forfeiture of twenty shillings, to be paid by the person or persons offending, for each and every default, and to be recovered before any of His Majesty's Justices of the peace.

Clerks of the market to inspect scales, weights,

II. *And it is further enacted, by the authority aforesaid*, That the Clerks of the Market are hereby impowered to inspect all beams and scales, weights and measures, as well of brass as of

of other metals, and alſo the ſteelyards uſed for weighing hay, once in every three months, or oftner as they ſhall ſee cauſe; not only thoſe uſed by the inhabitants, ſelling publicly by weights and meaſures, but alſo thoſe uſed on board any ſhips or veſſels lying at any wharves, or at anchor in any harbour, or by any perſon or perſons ſelling as aforeſaid within the province, and the ſame to aſſay and ſtamp, and diſpoſe of as in ſaid Act is directed, and under the ſame penalties: and all maſters of ſhips or veſſels refuſing admittance to the ſaid Clerks of the Market, ſhall be liable to the ſame penalties as any inhabitant, in manner and form as preſcribed by ſaid Act, and to be recovered in the ſame manner.

&c. once in three months and

to aſſay and ſtamp the ſame.

III. *And it is alſo further enacted*, That all fines and forfeitures incurred by this, or the former recited Act, ſhall be applied, three fourths to the Clerk of the Market, and the other fourth to the poor of the town where the offence ſhall be committed.

Three fourths of fines to the Clerk of the market, one fourth to the poor.

CAP. VII.

An ACT to prevent the importing diſabled, infirm, and other uſeleſs perſons into this Province.

Repealed by his Majeſty in Council.

CAP. VIII.

An ACT to prevent diſorderly riding Horſes, and driving Carts, Trucks, and Sleds, Slays or any other Carriage whatſoever, within the Town of Halifax, or any other Town within the Province.

Preamble

IN *order to prevent the inconveniences and miſchiefs which might ariſe from the negligent and diſorderly riding horſes and driving carts, trucks, and ſleds for carriage of burthen, or any other carriage whatſoever, within the town of Halifax, or any other town within the Province; Be it enacted by His Excellency the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted*, That from and after the publication hereof, no perſon or perſons ſhall, on any pretence whatever, gallop or ride at full ſpeed on horſeback, or having the charge of driving any horſe or horſes, in any cart, truck, or ſled, ſhall ride upon ſuch horſe or horſes, or remain placed in or upon any part of ſuch cart, truck or ſled, within any of the ſtreets or highways of the ſaid town or towns, and that no ſuch driver or drivers ſhall omit, during ſuch time, to lead the ſhaft or thill horſe by an halter, not exceeding four feet in length, or ſhall drive any ſuch horſe or horſes faſter than a foot pace, upon penalty of ten ſhillings for every ſuch offence, to be paid upon conviction by the teſtimony of one credible witneſs, before any one of His Majeſty's Juſtices of the Peace, within twenty-four hours after ſuch offence committed; and in caſe of any ſuch offender's refuſal to pay the ſame, ſaid offender ſhall be put to labour for the ſpace of four days in repairing the ſaid highways, under the direction of the Surveyor or Surveyors of highways, or any of them; and in caſe of refuſal or neglect to perform ſuch labour, it ſhall and may be lawful for any Juſtice of the Peace, upon complaint of the ſaid Surveyor or Surveyors, or any of them, to cauſe ſuch offender to be committed to the houſe of correction, where he ſhall forthwith receive ten ſtripes in the uſual manner of correcting offenders at the ſaid houſe, and thereupon be diſcharged.

No perſon to ride at full ſpeed on horſeback, &c. in any town

on penalty of 10s. or

four days labour in the highways,

on refuſal to be whipped ten ſtripes

II. *And be it further enacted*, That every owner or proprietor of any ſled or ſlay, uſed either for carriage of goods or perſons, ſhall cauſe at leaſt ſix horſe bells to be affixed to the horſe harneſs of the ſaid ſled or ſlay, and ſhall not drive the ſame, or any other carriage whatſoever, in a diſorderly manner, upon penalty of twenty ſhillings for every omiſſion or offence, upon conviction

Owners of ſleds or ſlays to fix horſe bells on the horſe harneſs, &c.

on penalty of 20s.

conviction, on the oath of one credible witness, before any one of His Majesty's Justices of the Peace, within twenty four hours after such offence committed; and in case of refusal or neglect to pay the same, to be levied on the goods or chattels of such offender, by warrant of distress and sale under the hand and seal of said Justice.

Fines to be applied to repair highways.

III. All fines and penalties incurred by this Act, to be paid into the hands of the Surveyors of the highways for the time being, to be by them applied towards the repairing and amending the same.

CAP. IX.

This Act is repealed by 36th Geo. 3d. c. 2.

An ACT, in addition to an Act, entitled, An Act for regulating Petit Juries, and declaring the qualification of Jurors.

CAP. X.

For the Acts in amendment of this Act, or addition thereto, see note on 32d. Geo. 2d. cap. 5

An ACT for the better and more effectual establishment of the Church of England in this Province.

When any church, &c. shall be hereafter erected, the Governor and Council to prescribe the limits of the parish

BE *it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted*, That hereafter when any Church, Chapel, or place of worship shall be erected in any part of this province, for the celebration of divine service, according to the rites and ceremonies of the Church of England, it shall and may be lawful for his Excellency the Governor or Commander in Chief, with the advice and consent of His Majesty's Council, to prescribe limits and allot a certain district, which shall be the parish of the Church so erected *; and it shall and may be lawful for the inhabitants or persons residing within the said district, to meet for the choice of church wardens, vestry, and parish officers, which choice shall be made yearly, and at the same time and manner as is prescribed already for the parish of St. Paul's in Halifax; and all meetings, acts and proceedings of the parishioners, church wardens, vestry, and parish officers of said parish so erected, in behalf of the said church and parish, shall be according to the rules and regulations set forth for St. Paul's Church in Halifax, in an Act entitled, An Act in addition to an Act for the establishment of religious public worship in this province, and for suppressing popery. And the said church wardens and vestry are hereby impowered to act in the same manner, in all cases, as is prescribed in said Act.

* In what manner parochial churches are founded. Vide Dr. Burn's eccl. Law. 2. vol. 132. Bp. Gibson's Cod. Jur. Eccl. Aug. Tit. 9. Church wardens &c. to be chosen annually, in manner prescribed for the Parish of St. Paul's in Halifax. 33. Geo. 2. c. 3.

The powers and authorities of church wardens, jointly with overseers of the poor, as it respects poor, are otherwise provisor, therefore the second section of this Act is not reprinted.

CAP. XI.

An ACT, for regulating the Rates and Price of Carriages.

Preamble.

WHEREAS *the rates and price demanded by the owners of trucks, carts, and other carriages of goods, wares and merchandize, are very exorbitant and excessive, and burthensome to trade: In order, therefore, to remedy the same, Be it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted*, That the Justices in their General Sessions of the Peace, held for the county of Halifax, shall twice every year, in the month of March and in the month of September, regulate the fares and rates for the carriage of

Justices in sessions to regulate rates for the carriage of wood, &c. in Halifax

wood

wood, barrels, hogsheads, and other wares and merchandize in the town of Halifax and its suburbs, consideration being had to the price of hay, provender for the cattle, and price of day labourers; and shall cause a table of the several rates agreed upon by them at their sessions to be printed and posted up in the most public places in and about the town of Halifax.

Carmen, &c. demanding any greater rates forfeit 20s.

II. *And be it further enacted*, That if any carman or owner of trucks or carts, or any other carriage, shall ask, demand or receive, from any person, any other or greater rates or fare, than is allowed and prescribed by the table aforesaid, he or they shall forfeit and pay the sum of twenty shillings, to be recovered on the oath of the prosecutor, before any one of his Majesty's Justices of the peace for the county of Halifax, and to be levied by warrant of distress: one half to be paid to the prosecutor, the other half to be applied to and for the mending of the streets of Halifax.

Justices in sessions in other counties, to regulate the rates of carriages for each town

III. *And be it also further enacted*, That the Justices of the Peace at the Quarter Sessions, held in and for the several counties within the province, are also impowered and hereby required every year, in the months of March and September, to regulate the fares and rates of carriages for the several towns in each of the said counties, in like manner and with the same penalties, and to be recovered as is directed by the preceding clauses of this Act; one half of the fines and forfeitures to be paid to the prosecutor, and the other half applied to and for mending and repairing the streets of the town where such offence shall be committed.

CAP. XII.

Executed.

An ACT, in addition to an Act, entitled, An Act for the relief of the Poor in the Town of Halifax, made and passed in the 33d Year of His Majesty's Reign.

CAP. XIII.

Repealed by His Majesty in Council

An ACT, to prevent any private Trade or Commerce with the Indians.

CAP. XIV.

For the Acts in addition to or amendment of this Act, see note on 32d. Geo. 2d. cap. 14.

An ACT, in addition to an Act, entitled, An Act, for preventing Trespasses.

Preamble

WHEREAS *by an Act made and passed in the thirty second year of his Majesty's reign, entitled*, An Act for preventing trespasses, *it was enacted*, "*That it should be lawful to impound any* "*swine going at large, within the streets, lanes, or suburbs of the town of Halifax*;" *And whereas no provision was therein made for inclosing ground for a pound; Be it therefore enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That a pound shall be forthwith made of forty feet square, at the public expence; and that the Grand Jury of the Supreme Court, to be held in April next, shall appoint a keeper of the same.

A pound to be made forty feet square, and a keeper appointed

Trespassing cattle to be impounded

II. *And be it further enacted by the authority aforesaid*, That if any damage shall be done by breaking any inclosures, and destroying any of the produce thereof, by any horses, sheep, goats, swine, or neat cattle, it shall and may be lawful for the person or persons whose fence or fences

fences shall have been so broken, and whose inclosures shall have received such damage, to cause the said horses, sheep, goats, swine, or neat cattle, to be impounded until the owner or owners of such trespassing cattle shall claim the same, and the keeper of the pound shall cause the same to be cried as soon as may be, in order that the person or persons injured may proceed against the said owner or owners of such horses, sheep, goats, swine, or neat cattle, refusing to pay the damages done by their said horses, sheep, goats, swine, or neat cattle as is directed in the first clause of the Act entitled, "An Act for preventing trespasses," and the owner or owners of such horses, sheep, goats, swine, or neat cattle, shall pay to the keeper of the pound, over and above the damages which shall be adjudged to have been done by the said horses, sheep, goats, swine, or neat cattle, for the support of the same, for each and every day the same shall be impounded, one shilling for every horse, and head of neat cattle, and six pence for every sheep, goat or swine. And if the owner of such horses, sheep, goats, or swine, or neat cattle, shall refuse to pay the same to the keeper of the pound, together with the charge of crying the same, within fourteen days after the same shall be impounded, the said horse or horses, neat cattle, sheep, goats, or swine, shall be publickly sold, and the money arising from said sale, after deducting therefrom the pay of the keeper for supporting them, and the damages done by the said horse or horses, neat cattle, sheep, goats, or swine, the remainder shall be paid to the owner, and if no owner shall appear, then to the overseers of the poor, for the use of the poor of the townships of Halifax.

Owners of such cattle refusing to pay the damages &c. the same to be sold for the payment thereof

III. *And whereas no provision is made by the said Act for preventing any rescue of swine, horses, sheep, goats, or neat cattle, Be it therefore enacted*, That if any person or persons shall rescue any swine, horses, sheep, goats, or neat cattle, from any hogreave or other person, driving such swine, horses, sheep, goats, or neat cattle, to the pound, the offender shall forfeit and pay for such rescuous, the sum of twenty shillings, over and above all damages that may be sustained by the trespass of such swine, horses, sheep, goats, or neat cattle; which penalty and damages shall be recovered by the oath of one credible witness, before any one of his Majesty's Justices, and to be levied by warrant of distress, and sale of the offender's goods and chattels; and if any person or persons shall make any breach of the said pound, or shall by any other indirect means, deliver any swine, horses, sheep, goats, or neat cattle, out of the same, the person so offending, being duly convicted thereof before any two of his Majesty's Justices of the peace, shall forfeit and pay the sum of five pounds, to be levied as aforesaid; and the said penalties for every such rescuous and pound breach, shall be paid to the church wardens and overseers of the poor, for the use of the poor of the town of Halifax, after deducting the charges of repairing any breach of the pound.

Persons rescuing such cattle, forfeit 20s. besides the damage done by the trespass,

and for every pound breach 5l.

to the use of the poor

VI. *And be it further enacted*, That the Justices in their Quarter Sessions of the Peace, in all other counties within the province, shall be impowered, and are hereby directed, to make regulations for preventing trespasses, by horses, swine, sheep, goats, and neat cattle, going astray, in manner as shall be most agreeable to the circumstances of such county or townships therein.

Justices in sessions to make regulations in other counties.

[The 4th and 5th sections of this Act, together with that part of the 4th section of 32d Geo. 2d. Cap. 14 which respect the repairs of the Streets in Halifax, being now otherwise provided for, are not reprinted.]

CAP.

CAP. XV.

AN ACT, in addition to, and amendment of an Act, entitled, 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 and 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. Expired.

CAP. XVI.

An ACT to prevent the Distilling Grain in this Province. Expired.

CAP. XVII.

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. Expired.

CAP. XVIII

An ACT in addition to, and amendment of, and for further prolonging, an Act made and passed in the thirty-second year of His Majesty's Reign, entitled, 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, entitled, An Act for the better discovering and more effectually suppressing unlicensed Houses. Expired.

CAP. XIX.

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. Expired

CAP.

CAP. XX.

Expired

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.

CAP. XXI.

Expired

An ACT for extending the bounty on Stone Walls built, and Hay raised within the peninsula of Halifax.

CAP. XXII.

Expired, and re-enacted

An ACT for the Summary Trial of Actions.

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 Majesty's reign, being the second and last Session of the second General Assembly convened in the said Province.*

* In the time of Charles Lawrence, Governor, Jonathan Belcher, Chief Justice, Wm. Nesbit, Speaker, John Duport, Secretary of Council, Isaac Deschamps, Clerk of Assembly.

CAP. I.

* Cap. 12

An ACT for the making perpetual an Act made and passed in the 32d year of His Majesty's Reign,* entitled, An Act to prevent the Sale of Slop Cloathing, and for punishing the Concealers and Harbourers of Seamen or Marines deserting from the Royal Navy.

Preamble

†† viz. the Act named in the 32. Geo. 2. c. 12.

WHEREAS *the said Act* † *was made only to continue and be in force until the end of this present war; and whereas the said Law* † *has been found to be very useful and beneficial to the public,*

lic, Be it therefore enacted by His Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted, That the ſaid Act to prevent the ſale of ſlop cloathing, and for puniſhing the concealers and harbourers of ſeamen and marines deſerting from the Royal Navy, ſhall be, and the ſame is hereby made perpetual, any proviſo or limitation in the ſaid Act, notwithſtanding,

Act made perpetual

CAP. II.

An ACT for the aſcertaining Damages on proteſted Bills of Exchange.

BE *it enacted by his Excellency the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted*, That from and after the ſecond day of October, one thouſand ſeven hundred and ſixty, all bills of exchange drawn from and after ſaid time by perſons reſiding within this province, upon perſons in Europe, that may be ſent back proteſted, ſhall be ſubject to ten per cent. damages, and ſix per cent. per annum intereſt, from the day of the date of the proteſt on ſaid bill, to the time of payment. *And be it alſo enacted, by the authority aforeſaid*, that all bills of exchange drawn by perſons reſiding within the province, after ſaid time, on perſons in the other colonies, and ſent back proteſted, ſhall be ſubject to five per cent damages, and ſix per cent. per annum intereſt, from the day of the date of the proteſt to the time of payment.

Foreign bills of exchange

Cro. Car. 301. Barnaby verſus Rigalt, 1 Vent. 45.

Inland bills of exchange

Eng. ſtat. 9 and 10. Will. 3. c. 17.

II. *And be it further enacted by the authority aforeſaid*, That all bills and orders drawn from and after the ſaid ſecond day of October next, by perſons reſiding within the province on perſons living or reſiding in the ſame, that ſhall be proteſted, ſhall be ſubject to ſix per cent. intereſt from the date of the proteſt to the time of payment.

Eng. ſtat. 3 and 4. Ann. c. 9. made perpetual by 7, Ann. c. 25. ſec. 3. 1 Salk. 131. Borough verſus Perkins

CAP. III.

An ACT, to explain an Act, made and paſſed in the Thirty-third Year of His Majeſty's Reign, entitled, "An Act to enable Proprietors to divide their Lands held in common and undivided.

Repealed by His Majeſty in Council

CAP. IV.

An ACT, in amendment of an Act, entitled, An Act, for confirming Titles to Lands and quieting Poſſeſſions.

For Acts in amendment or addition to this Act, ſee note on 33d. Geo. 2d. cap. 2.

WHEREAS *ſome inconveniences have already and frequently do ariſe to the purchaſers of Lands in this Province, from the difficulty of producing, before the regiſter or his deputy, one of the witneſſes to the execution of any deed or conveyance brought by them to be regiſtered, either from ſuch deed or conveyance having been executed in* Great-Britain *or* Ireland, *or in ſome of his Majeſty's colonies or plantations diſtant from this province, in the preſence of witneſſes reſident there, who cannot be produced before the ſaid regiſter or his deputy, to prove the execution thereof on oath; thereby preventing the due regiſtring of ſuch deed or conveyance, agreeable to the directions of an Act made and paſſed by the Governor, Council and Aſſembly of this province, in the thirty ſecond year of His Majeſty's reign, entitled,* "An Act for confirming titles to lands and quieting poſſeſſions:" *For remedy whereof, Be it therefore enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That from and after the publication hereof, the Regiſter of deeds and

Preamble

Cap. 2

conveyances

All deeds, &c. to be regiſtered, on proof of the execution thereof, either by the acknowledgment of the grantor, or by the oath of one of the witneſſes, before a Juſtice of the Peace, where ſuch deeds &c. have been executed.

conveyances in this province, or his deputy, ſhall and may duly regiſter, as directed by the aforeſaid Act, all ſuch deeds and conveyances of lands in this province, as ſhall have been made and executed in Great-Britain or Ireland, or in any of His Majeſty's colonies or plantations, diſtant from this province, (though one of the witneſſes thereto ſhould not come before him or his deputy, to prove the ſame as directed by the ſaid Act) *Provided* the execution thereof ſhall appear to him, either to have been properly acknowledged by the grantor himſelf named in ſuch deed or conveyance, or be proved by the oath of one of the ſubſcribing witneſſes thereto, before ſome one of His Majeſty's Juſtices of the Peace, of the place where ſuch deed or conveyance ſhall have been executed, and duly atteſted by him; and ſuch atteſtation being alſo authenticated (if in the plantations) under the hand and ſeal of the Governor, Lieutenant-Governor, or Commander in Chief of the province, where the ſame ſhall be made, or of a public notary there reſiding; and if in Great-Britain or Ireland, under the public ſeal of ſome corporation there, or by the atteſtation and certificate of ſome notary public lawfully conſtituted, reſident there, certifying that ſuch perſon ſo ſubſcribing as a Juſtice of the Peace is really ſo, and that all faith and credit ought to be given to his atteſtations.

CAP. V.

An ACT, in amendment of an Act, made and paſſed in General Aſſembly, at the Seſſion begun and holden at Halifax, on the ſecond of October, 1758, entitled, An Act relating to Wills, Legacies and Executors, and for the ſettlement and diſtribution of the Eſtates of Inteſtates.

For Acts in amendment or addition to this Act, ſee note on 32d. Geo. 2d. cap. 11.

Preamble.

By Prov. Act reſpecting the guardianſhip of minors, 32. Geo. 2. c. 26. ſec. 9. poſthumous children are entitled to ſhare in the father's eſtate.

WHEREAS *by an Act made and paſſed in General Aſſembly, at the Seſſion begun and holden at Halifax, on the ſecond day of October*, 1758, *entitled*, An Act relating to Wills, Legacies, and Executors, and for the ſettlement and diſtribution of the Eſtates of Inteſtates, *it is, amongſt other matters, enacted*, 'That in caſe that perſonal aſſets ſhall be deficient for the payment of 'any debts or legacies, and it ſhall be found neceſſary by any executor or adminiſtrator, to 'make ſale of any part of the real eſtate of the deceaſed for the payment of any debts or le'gacies, ſuch executor or adminiſtrator ſhall apply to the General Aſſembly, to grant a licence 'for the ſale of ſuch part of ſuch real eſtate as may be moſt convenient, for the payment of 'ſuch debts or legacies; and before any ſale be made of any real eſtate, the executor or ad'miniſtrator ſhall give thirty days public notice, by poſting up notifications in the moſt pub'lic places, in the town where the deceaſed perſon laſt dwelt, and in the public prints, if any 'ſuch there be; and whoever will give moſt ſhall have the preference in ſuch ſale: And in 'caſe the eſtate of ſuch inteſtate ſhall be inſolvent, the executor or adminiſtrator ſhall make 'like application to the General Aſſembly for an inquiry, and for the appointment of com'miſſioners to enquire into ſuch inſolvency, and to examine and ſettle the claims of all credi'tors, and the amount of the eſtate of ſuch inſolvent, and to authoriſe ſuch executor or ad'miniſtrator to ſell all the lands and tenements of ſuch inſolvent, and to divide the produce 'of the whole of ſuch eſtate, in due proportion to and among the creditors." *And whereas inconveniences have already ariſen, and may hereafter ariſe by the delays hereby neceſſarily occaſioned, during intermiſſions of the convention of the General Aſſembly, Be it therefore enacted by his Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That all ſuch applications as by the before recited clauſe of the ſaid Act, are to be made by any executor or adminiſtrator to the General Aſſembly ſhall, from and after the publication hereof, be made to the Governor, or Commander in Chief, for the time being, and His Majeſty's Council of this

Applications for the ſale of real Eſtates, for payment of debts, &c.

this province, who are hereby authoriſed and impowered to take cognizance thereof, and to proceed thereon in like manner, as by the before recited clauſe of the ſaid Act, ſhould have been done by the General Aſſembly.

to be made to the Governor and Council, inſtead of the General Aſſembly.

II. *And be it further enacted*, that every executor or adminiſtrator, who may, by virtue of this Act, be authoriſed and impowered to make ſale of any real eſtate, ſhall, before ſuch ſale made, give bond by himſelf, or his lawful Attorney, with two ſureties, at the office of the Regiſter of the Court of Probates, in the county where ſuch real eſtate ſhall lie, for the juſt and legal diſtribution of the monies ariſing from ſuch ſale, in the full value which, by the report of the commiſſioners for that purpoſe appointed, ſhall be certified to be neceſſary to be raiſed by ſuch ſale.

Executors to give ſecurity for a juſt diſtribution.

III. *And be it further enacted by the authority aforeſaid*, That all lands, tenements, or hereditaments, ſold by any executor or adminiſtrator, by virtue of this Act, ſhall become the abſolute and undoubted right and property of the purchaſer or purchaſers thereof, from and after the time of ſuch ſale.

Lands, &c. ſo'd by virtue of this Act to be the abſolute property of the purchaſer.

CAP. VI.

An ACT for eſtabliſhing a Public Market at the Market Houſe in Halifax, and for regulating the ſame.

This Act repealed by the 39th. Geo. 3d. cap. 1. ſec. 15.

CAP. VII.

An ACT for appointing Commiſſioners of Sewers.

Acts in amendment of this Act, 3d and 4th Geo. 3. cap. 1, 5th Geo. 3d. cap. 4. 8th Geo. 3d. cap. 9. 9th Geo. 3d. cap. 2. 11th Geo. 3d. cap. 9. 21ſt Geo. 3d. cap. 3. 30th Geo. 3d. c. 7. 33d. Geo. 3. c. 4

WHEREAS *great quantities of marſh, meadows, and low grounds in this province, and particularly in the Bay of Fundy, and rivers, bays and creeks, branching therefrom, are ſpoiled by overflowing of the ſea, and other waters which by induſtry may be greatly improved, as well for the general good as for the benefit and profit of the owners; and alſo much meadow and paſture land might be gained out of ſwamps, and other rough and unprofitable grounds by drowning and draining the ſame: to the intent therefore, that the new ſettlers and other proprietors of ſuch marſhes, meadows and low grounds, may be encouraged and enabled to raiſe dykes, and remove ſuch obſtructions, as prevent theſe lands from being immediately uſeful; Be it enacted by his Excellency the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted*, That it ſhall be in the power of the Governor or Commander in Chief, with the advice of his Majeſty's Council, upon requeſt of any of the proprietors of ſuch lands, to grant commiſſions of ſewers (*a*), to ſuch and ſo many able and diſcreet perſons (*b*) as to them ſhall ſeem meet, for the building and repairing ſuch dykes and wears as are neceſſary to prevent inundations; and alſo for the damming and flowing of ſwamps, and other unprofitable grounds, and draining of them: By which commiſſions the ſaid commiſſioners ſhall be impowered to meet and convene together from time to time as occaſion may require, to view, conſider, conſult, and contrive ſuch ways and methods for building and repairing ſuch dykes and wears, as are neceſſary to prevent inundations, and for the drowning and draining of ſwamps, and other unprofitable grounds; and to employ workmen and labourers, for ſuch reaſonable

Preamble.

Commiſſions Sewers to b pointed by a Governor or Council, this Act ſion 33d ..d. cap 13.

The ..ction ..ſioner ..above ..ſuch ..he ..d

(*a*) Eng. ſtat. 23. H. 8. c. 5. ſec. 1. Containing the commiſſion ..ſued in England under this ſtatute. Commiſſion at common law, vide Regiſtr. Brev. 126. 127. F. N. B. 113. 114.

Under the commiſſions both at common law and by ſtatute, the proceedings and inquiries before a Court of Sewers, are by Juries.

(*b*) By Eng. ſtat. 13 Eliz. c. 9 ſec. 4 and 7. Farmer of Lands chargeable not to be a commiſſioner, but may act for other lands.

reaſonable wages as may be agreed on, for the effecting the premiſes; and from time to time to aſſeſs and tax all ſuch perſons as may or ſhall be owners of ſuch meadows, marſhes, or ſuch unprofitable ſwamps and lands as aforeſaid, towards the charge thereof, having regard to each perſon's quantity of land and benefits to be received thereby, as equally, according to their beſt judgment, as they can; and alſo to appoint and ſwear a collector or collectors for the collecting, gathering, and paying the ſame, to ſuch perſons as by the ſaid commiſſioners ſhall be appointed to receive it; with powers to diſtrain all ſuch perſons as ſhall neglect or refuſe to make payment of his, her, or their parts or proportions, ſet and aſſeſſed as aforeſaid, in ſuch manner as is uſually done in the like caſes; and to call before themſelves the ſaid collector or collectors, to account for his or their truſts with reference to the premiſes; and likewiſe to value ſuch repairs as may have been made to the ſaid wears and dykes, by the preſent ſettlers before the date of their ſaid commiſſions, and to proportion an aſſeſſment for payment of the ſame by thoſe who have been or may be benefited thereby, in the ſame manner as if ſuch repairs had been made by their own order, in virtue of their ſaid commiſſions.

2. Sid. 145.

to be ſworn and have ſalaries.

II. *And be it further enacted by the authority aforeſaid*, That the ſaid commiſſioners ſhall be ſworn for the faithful diſcharge of their truſt, and ſhall receive ſuch ſalaries out of the ſaid aſſeſſment, for their time and expences touching the premiſes, as the Governor and Council ſhall appoint, unto whom the ſaid commiſſioners ſhall be accountable, when they ſhall be thereto required.

Lands liable to payment of aſſeſſments.

III. *And be it further enacted, by the authority aforeſaid*, That in caſe it ſhall ſo happen, that any proprietor of any ſuch lands, marſhes, or meadows, to be dyked and drained as aforeſaid, ſhall be unable, or otherwiſe neglect to pay his, her, or their part or proportion of the ſaid rates or aſſeſſments, it ſhall and may be lawful to and for the other proprietors concerned therein, to pay the ſaid aſſeſſments, and to hold the ſaid lands and meadows ſo long until the rents and profits to be received of thoſe lands may reimburſe them, and the commiſſioners aforeſaid ſhall determine the time how long (*c*).

Appeal to the Governor and Council.

IV. *Provided always*, That any perſon thinking himſelf aggrieved at any procedure had or made by the ſaid commiſſioners, or any others in purſuance of this act, may appeal therefrom to the Governor and Council for relief (*d*), who are hereby impowered to order the poſſeſſion of all ſuch lands as are held for payment of the aſſeſſments beforementioned, to be reſtored to the proprietor on proof before them, that the ſaid aſſeſſments have been received out of the profits of the ſame.

(*c*) By Eng. ſtat. 23. Hen. 8. c. 5. ſec. 8. The lands may be ſold for non payment of the aſſeſſment.
(*d*) Proceedings of Court of Sewers removable into B. R. by *Certiorari*, 5. Co. Rep. 99. b. Rook's caſe. 4. inſt. 276. Cro. Ja. 336. 3. inſt. 125. 1. Lev 288 1. Vent. 66. 1. Salk. 145.

CAP. VIII.

An ACT for encouraging the improvement of Lands in the Peninſula of Halifax, and further quieting of Poſſeſſions.

within the ſula of Ha- not im- ed for ſeven ars paſt, may be granted by the Go ernor and Council.

WHEREAS *great inconveniences and prejudices have ariſen on account of not improving the lands on the peninſula of Halifax: And whereas by the abſence of ſeveral Grantees, and the neglect and death of others, many of the lots lie waſte: In order therefore to encourage the improvement of the Lands within the ſaid peninſula, Be it enacted by His Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted*, That in all caſes where the Grantees of Lands within the ſaid peninſula, have been abſent from the province, or have lived therein, for the ſpace of ſeven years, and no improvement made thereon for that time; and likewiſe in ſuch caſes where any Grantees of Lands are dead, and no perſons, in right of ſuch Grantees, have claimed

claimed ſaid lands *(a)*; it ſhall and may be lawful, upon an inqueſt of office, on the oaths of twelve men, ſworn for that purpoſe, held before the commiſſioner of Eſcheats and Forfeitures, according to the commiſſion to him granted*, and duly returned into the office of Regiſter of the Court of Chancery, for the Governor, or Commander in Chief, for the time being, with the advice and conſent of His Majeſty's Council, to make grants and conveyances of ſuch lands ſo returned, which grants and conveyances ſhall be good, valid and effectual, to all intents and purpoſes whatſoever *(b)*.

* This reference ſeems to eſtabliſh the commiſſion *in toto*, and not for the particular purpoſes of abſent grantees, &c.

II. *Provided*, That it ſhall and may be lawful, for all perſons intereſted or entitled to ſuch lands as are comprized in ſaid office, to traverſe the ſame, within twelve months from the date of ſuch inqueſt. And if the ſaid office ſhall not be traverſed within ſaid time, the grant of ſaid lands, by virtue of ſuch inqueſt, by the Governor, or Commander in Chief, with advice as aforeſaid, ſhall be abſolute according to the form and effect of ſuch grant *(c)*.

Perſons intereſted in ſuch lands may traverſe within twelve months otherwiſe the grant to be abſolute.

III. *And whereas it may be doubtful, whether the Regiſtry of Lots of Land (granted ſimply as Lots without any formal conveyance under the ſeal of the Province) within the ſaid Peninſula of* Halifax, *or elſewhere in this Province, import a conveyance in fee ſimple to the perſons in whoſe names the ſame are regiſtred: for the quieting ſuch perſons in their poſſeſſions, Be it enacted by the authority aforeſaid*, That all and every perſon, having a right to claim by virtue of ſuch regiſtry (excepting the perſons abſent or neglecting to improve as aforeſaid) *(d)*, ſhall be entitled to a full and abſolute eſtate in fee ſimple, in the lands ſo regiſtred, any want of form in the ſaid regiſtry notwithſtanding.*

Regiſtry of ſuch lands to be a fee ſimple.

(*a*) This clauſe can have reſpect only to grants by virtue of regiſtries (in nature of licences for improvement in order to future grants) but not to grants by record under ſeal of government, which muſt operate and be tried by the terms of the patents, and are not voidable by general revocations or any conditions not impoſed by the grants.

(*b*) The King's title to reſume muſt appear by office on oath, by record miniſterial before the Eſcheator &c. 4. Rep. 54. b. and by Eng. ſtat. 28. Hen. 6. c. 6. letters patent granting lands before the King's title is found by inquiſition returned into Chancery, are void. Vide Eng. ſtat. 21. Jac. 1. c. 25.

For the nature of the Eſcheator's office, and the writ to him *de inquirendo*, vide F.N.B. 121. C D. Reg. Brev. 165. a. and Eng. ſtat. 8. Hen. 6. c. 16. 23. Hen. 6. c. 16. ſec. 1. 12. Ed. 4. c. 9. 1. Hen. 8. c. 8. and Co. Litt. 13. a. b. and 92. b.

Vide 4. inſt. c. 43. pa. 225. entitled "Court of the Eſcheator and of Commiſſioners for finding of Offices, &c." and 4. Bac. Abr. C. L. pa. 154. b. Tit. Prerogative, letter B. Diviſion. 2. Prerogative in Eſcheats, where the Eſcheator's office is conſidered as ſtill ſubſiſting for finding offices by inqueſt to veſt titles in the Crown, and not as an officer uſeleſs by aboliſhing the court of wards and liveries, by Eng. ſtat. 12. Car. 2. c. 24.

(*c*) By Eng. ſtat. 1. Hen. 8. c. 10. ſec. 3. After office found before any Eſcheator, the lands ſeized may be let to the traverſer. How offices may be traverſed, vide Eng. ſtat. 2 and 3. Ed. 6. c. 8 ſec 6. 7. 13. and by ſec. 14. after judgment upon the traverſe if it ſhall appear by record that the King has any other title, it ſhall be ſaved to the King.

(*d*) This exception abſolutely excludes abſentees, &c. from deriving in fee ſimple, by virtue of any regiſtry, for ſo is the manifeſt deſign of the Act.

* This inſtitution is, by due authority deemed expedient as a mode of ſhort proceſs, and without expence, for entitling the Crown to reſume and grant lands forfeited by breach of conditions.

CAP. IX.

For Acts in amendment or addition to this Act ſee note on 32d Geo. 2d. cap 13.

An ACT, in amendment of an Act, entitled, An Act relating to Treaſons and Felonies.

WHEREAS *by an Act, entitled, An Act relating to Treaſons and Felonies, it is, amongſt other matters enacted*, 'That if any perſon or perſons indicted of any offence, for which they 'are excluded from the benefit of clergy, or of the ſaid Act, ſhall challenge peremptorily 'above twenty of the jury, judgment ſhall be pronounced, and execution awarded againſt ſuch 'perſon or perſons, as if ſuch perſon or perſons had been convicted of ſuch offence by verdict 'or confeſſion.' *And whereas it will be more agreeable to the common courſe of juſtice, to allow the benefit of defence and trial; Be it therefore enacted by His Excellency the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted*, That in all caſes where any priſoner

If a priſoner challenges above 20 jurors, ſuch challenge to be overruled, and the jury ſworn.

ſhall

ſhall challenge peremptorily above twenty of the Jury, ſuch challenge ſhall be overruled, and the jurors ſhall be ſworn for the trial of ſuch priſoner, as if no ſuch challenge had been peremptorily made.*

* Co. P. C. 102. pa. 227, 228. 2. Hale's hiſt. P. C. 270. adjudged, on Eng. ſtat. 22. H. 8. c. 14. that Challenge above twenty ſhall be overruled.

CAP. X.

An ACT in addition to and amendment of an Act, entitled, An Act for the better and more effectual eſtabliſhment of the Church of England in this Province.

For acts in amendment or addition to this act ee note on 32d Geo. 2d, cap. 5.

Preamble.

WHEREAS *great detriment and inconvenience may ariſe to the Miniſters of Saint Paul's Church, in the town of Halifax, as well as the miniſters of churches, which may be hereafter eſtabliſhed within this Province, for want of ſufficient power to ſue and recover from the church wardens, ſuch ſum or ſums of money, as they may have received from time to time, for the uſe of ſaid miniſters, Be it therefore enacted by His Excellency the Governor, Council, and Aſſembly, and by the authority of the ſame it is hereby enacted,* That the ſaid miniſters ſhall be and are hereby impowered to ſue for and recover from the ſaid church wardens, all ſuch ſums as they may have received, or ſhall neglect to ſue for and recover, for the uſe and benefit of ſaid miniſters.

Miniſters may ſue the church wardens for money received by them, &c.

CAP. XI.

Repealed by his Majeſty in Council.

An ACT for continuing an Act, entitled, An Act, to prevent any private Trade or Commerce with the Indians.

CAP. XII.

An ACT for regulating the Common belonging to the Townſhip of Lunenburg.

Acts which reſpect other commons 10th Geo. 3d. cap. 4. 29th Geo. 3d. cap. 6. 33d. Geo. 3d. c. 9. 37th. Geo. 3d. cap. 2.

Preamble.

WHEREAS *His Excellency the Governor has granted and ſet apart, a tract of land lying in the peninſula of Lunenburg, to ſerve as a Common for the inhabitants of ſaid Town; And whereas it is neceſſary, that ſome regulations ſhould be made by proper perſons, for the common benefit of the ſaid inhabitants from time to time, as their ſituation and circumſtances may require, Be it therefore enacted by His Excellency the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted,* That the Juſtices in their quarter ſeſſions, to be next held in March for the ſaid town and county, ſhall give it in charge to the grand jury then and there ſummoned, to affix and ſettle ſuch regulations, as they may think moſt proper and convenient to be obſerved and followed by the inhabitants of Lunenburg; to continue for one year, from ſuch ſeſſion; and ſuch regulations as ſhall be approved of by the Juſtices of ſaid ſeſſions, ſhall be and are hereby declared to be the ſtated rules, to be kept, obſerved, and followed with relation to the ſaid common, by the aforeſaid inhabitants, for and during the ſpace aforeſaid.

Grand jury, at March ſeſſions, to make regulations for the common, for one year, to be approved by the Juſtices.

II. *And be it further enacted,* That the ſaid Juſtices ſhall, in the like manner at their annual ſeſſions, thereafter to be held in March, proceed and give in charge to the grand jury in manner aforeſaid, and ſettle and approve of ſuch rules and regulations for the ſaid common, to ſerve for the year then next enſuing, as to them ſhall appear moſt proper and convenient.

The like to be done annually at March ſeſſions.

III.

III. *And be it alſo further enacted*, That the ſaid Juſtices ſhall be, and are hereby impowered to ſettle, and appoint ſuch pains and penalties, to be inflicted upon the perſon or perſons, who ſhall neglect or refuſe to obey the rules and regulations ſo to be ſettled at the ſaid annual ſeſſions of the peace, as to them ſhall appear to be juſt and equitable. Juſtices to appoint penalties for not obeying ſuch regulations

IV. *Provided*, That ſuch pains or penalties to be inflicted, ſhall not exceed the ſum of forty ſhillings each. Not to exceed 40s.

CAP. XIII.

This act was executed, but the building and ground having been ſold under the authority of the 28th Geo. 3d. cap. 10. the ſame is not reprinted.

An ACT for building a public Slaughter Houſe in the Town of Halifax, and for regulating the ſame.

CAP. XIV.

An ACT for further continuing an Act, entitled 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. Expired.

CAP. XV.

An ACT in amendment of an Act, entitled An Act for the better obſervation and keeping of the Lord's Day. Expired.

CAP. XVI.

An ACT for further prolonging an Act, made and paſſed in the thirty-ſecond year of His Majeſty's reign, entitled 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, entitled An Act for the better diſcovering, and more effectually ſuppreſſing, unlicenſed Houſes. Expired.

CAP. XVII.

An ACT for continuing an Act, entitled 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, entitled An Act for confirming the paſt proceedings of the Courts of Judicature, and for regulating the further proceedings of the ſame. Expired.

CAP.

CAP. XVIII.

Expired.

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

CAP. XIX.

Expired.

An ACT for further extending of Bounties and Premiums:

CAP. XX.

Expired.

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.

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.*

* In the time of Jonathan Belcher, Governor, John Collier, Speaker of the Council, Wm. Nesbit, Speaker of the Aſſembly, John Dupont, Secretary of Council, Archibald Hinſhelwood, and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

Acts in amendment of this Act, 31ſt Geo. 3d. cap 3. 39th Geo. 3d. cap. 1. ſec. 5.

An ACT for the better obſervation and keeping of the Lord's Day.

Eng. ſtat. 29, Car. 2. cap. 7.

No Tradeſman, &c. to open his Shop, or ſell any Goods on the Lord's Day.

BE *it enacted by the Honorable the Commander in Chief, the Council, and Aſſembly*, in order that all perſons may, on the Lord's Day, apply themſelves to duties of religion and piety, both publickly and privately, no tradeſman, warehouſe keeper, ſhopkeeper, or other perſon whatſoever ſhall, for the future, open his, her, or their ſhop or warehouſe; or either by himſelf or herſelf, or by his or her ſervant or ſervants, child or children, ſell, expoſe or offer to ſale, upon any bulk, ſtall, or ſhed, or ſend or carry out, any manner of goods or merchandize, on the Lord's Day or any part thereof: *Provided nevertheleſs*, that this Act ſhall not extend

extend to prohibit any persons from selling or exposing to sale, milk and fresh fish (*a*), before the hour of nine of the clock in the morning, and after five of the clock in the afternoon on the said day. Milk and fresh fish excepted.

II. *And be it further enacted*, That no person, whatsoever, for the future, shall do, or exercise any labour, work or business, of his or their ordinary callings, or other worldly labour, or suffer the same to be done, by his or their servant or servants, child or children, either by land or by water (*b*), (works of necessity and charity only excepted) or use, or suffer to be used any sport, game, play or pastime on the Lord's day or any part thereof; upon pain, that every person or persons so offending in any of the particulars beforementioned, upon conviction thereof upon the oath of one credible witness, before any one of His Majesty's Justices of the Peace of this province, or upon view of any Justice of the Peace, for every such offence shall forfeit and pay the sum of ten shillings, No labour to be done on the Lord's day. Eng. stat. 1. Car 1. c. 1.

III. *And be it further enacted*, That no tavern keeper, retailer of spirituous liquors, vintner, or other person keeping a public house of entertainment within this province, shall, for the future, on any pretence whatsoever, entertain or suffer any of the inhabitants or town dwellers of Halifax, or any of the towns respectively where such tavern keepers, retailers of spirituous liquors, vintners, or other persons keeping public houses of entertainment, respectively dwell, or others, not being strangers or lodgers in such houses, or such as come thither for necessary dieting and victualling only, to abide or remain in their dwelling houses, out-houses or yards, drinking or idly spending their time on the Lord's Day; but shall keep their doors shut during the time of divine service, on penalty of forfeiting and paying the sum of ten shillings, for every person and persons respectively so found drinking or abiding in such public houses or dependencies thereof as aforesaid; and every such person or persons, who shall be found so drinking or abiding in any such public house or dependencies thereof as aforesaid, shall respectively forfeit and pay the sum of five shillings. Eng. stat. 29. Car 2. c. 7. sec. 3. Tavern keepers, &c. to forfeit 10s. for every person found drinking in their houses on the Lord's day. Persons drinking &c. therein forfeit 5s.

IV. *And be it further enacted*, That the church wardens* and the constables, or any one or more of them, shall once in the forenoon, and once in the afternoon, in the time of divine service, walk through the town to observe and suppress all disorders, and apprehend all offenders whatsoever contrary to the true intent and meaning of this act: And they are hereby authorized and impowered to enter into any public house of entertainment, to search for any such offenders, and in case they are denied entrance, they are hereby impowered to break open, or cause to be broke open, any of the doors of the said house, and enter therein; and all persons whatsoever are strictly required and commanded to be aiding and assisting to any constables or other officers in their execution of this act, on the penalty of ten shillings current money for every neglect. * Can. 90 Churchwardens, &c. to walk through the town in time of divine service, to suppress disorders.

V. *And be it further enacted*, That if any person or persons whatsoever, being of the age of twelve years or upwards, being able of body, and not otherwise necessarily prevented by real sickness, or other unavoidable necessity, shall for the space of three months together, absent himself or herself from the public worship on the Lord's Day, shall be subject to a fine, that is to say, for every head of a family ten shillings, and for every child or servant five shillings, to be recovered, upon complaint, before any one of his Majesty's Justices of the peace, who is hereby impowered to cause the same to be levied (*c*). Penalty for not attending divine service once in three months.

(*a*) By Eng. Stat. 29, Car. 2. c. 7. sec. 3. and 10 and 11. Will. 3. c. 24. sec. 14. Milk and Mackarel allowed to be sold on Sundays, before or after Divine Service.

(*b*) By Eng. Stat. 3. Car. 1. c. 2. Carriers or Drovers are expressly prohibited from travelling, and Butchers from killing or selling Meat on the Lord's Day.

The general Prohibition by this Clause of the Prov. Act seems to comprehend the business of every calling either by land or water, but vide 1. Stra. 702. Rex *versus* Brotherton.

(*c*) Eng. Stat. 1. El. c. 2. (Act of Uniformity) shall not extend to qualified Protestant Dissenters, who repair to some place of religious Worship allowed by the Toleration Act 1. Will. and Mar. c. 18. sec. 16. Vide Dr. Burr's Eccl. Law, 1. Vol. 691. and his exposition of sec. 8 and 16. of 1. Will. and Mar. c. 18. and 6. Mod. 190. Britton versus Standish. and Gibs. Cod. Jur. Eccl. 522.

Fines to be to the uſe of the poor.

VI. All fines and penalties incurred by this act are to be to the uſe of the poor of the town where ſuch offence is committed; and the Juſtice and Juſtices before whom any perſon or perſons ſhall be convicted of offending againſt this Act, are required to make a record thereof, in a book to be kept by him or them.

Proſecution in ten days

VII. *Provided*, That no perſon ſhall be proſecuted for any offence beforementioned, unleſs they be proſecuted for the ſame within ten days after the offence committed.

Penalties to be levied by warrant of diſtreſs from any Juſtice,

in default of diſtreſs, the offender to be committed.

VIII. *And be it further enacted*, That every Juſtice of the Peace ſhall have full power and authority, either upon his own view, or other legal conviction of any offender or offenders againſt this Act or any part thereof, to levy the penalties herein before reſpectively mentioned, in caſe the ſame ſhall not, upon ſuch conviction, be paid by the offender or offenders, by diſtreſs and ſale of the offender or offenders goods and chattels with coſts; and in default of diſtreſs, to commit ſuch offender or offenders to the common gaol of the county, there to remain in cloſe confinement for a time not exceeding forty eight hours, nor leſs than twenty four hours.

Act to be read four times a year at the Seſſions, and twice at Church.

IX. *And be it further enacted*, That this Act ſhall be publicly read four times in every year, viz. At the opening of every Court of General Seſſions of the Peace, immediately after the grand jury are ſworn: And alſo twice every year, viz. On every firſt Sunday of December, and on every firſt Sunday in June, in all public places of worſhip within this province, immediately after divine ſervice.*

* By Eng. Stat. 29. Car. 2 c. 7. ſec. 6, it is enacted, "That no perſon on the Lord's Day ſhall ſerve or execute any Writ, "Proceſs, Warrant, Order, Judgment, or Decree, except in caſes of Treaſon, Felony, or Breach of the Peace; and that the "ſervice of every ſuch Writ, &c. ſhall be void; and the perſons executing the ſame ſhall be as liable to anſwer damages as "if they had done the ſame without any Warrant." Cro. Car. 602. Prinſor's caſe. 1. Mod. 56. 2. Salk. 625. Before this Statute attachments were granted for Arreſts on Sundays, &c. Vide 2. inſt. 264. Briton. c. 53. Mirr. c. 5. ſec. 1. Numb. 111.
By Eng. Stat. 5. An. c. 9. ſec. 3. A Judge's Warrant to apprehend a perſon eſcaped, &c. may be executed on the Lord's Day.

CAP. II.

An ACT in amendment of an Act, entitled, An Act directing the proceedings againſt Forcible Entry or Detainer.

For Acts in addition to or amendment of this Act, ſee note on 32d Geo. 2d. cap 3.

Preamble.

WHEREAS *in the Act, entitled*, An Act directing the proceedings againſt Forcible Entry or Detainer, *no proviſion is made for ſecuring and maintaining the inheritance and title of minors, femes covert, perſons* non compos mentis, *impriſoned, or abſentees, Be it therefore enacted by the Honorable the Commander in Chief, Council, and Aſſembly*, That nothing in the ſaid Act ſhall extend or be conſtrued to extend to bar the right of any minor, feme covert, or perſon *non compos mentis*, impriſoned, or abſent from the province, but they ſhall be entitled to ſue for, and recover any lands or tenements within the province aforeſaid, to which they are entitled, within five years after ſuch impediment ſhall be removed, any thing in the ſaid Act to the contrary in anywiſe notwithſtanding.

Minors, &c. may recover lands within five years after impediment removed.

CAP. III.

An ACT, in further amendment of an Act, entitled, An Act for confirming Titles to Lands and quieting Poſſeſſions.

For Acts in addition, to, or amendment of this Act, ſee note on 32d. Geo. 2d. cap. 2.

Preamble.

WHEREAS *the time allowed by the Act entitled* An Act for confirming Titles to Lands and quieting Poſſeſſions, *to femes covert, perſons* non compos mentis, *impriſoned or in captivity*,

tivity, to sue for recovery of any lands or tenements within the said province, to which they are entitled, has been deemed insufficient, nor is there in the said Act any provision made for the relief of minors or persons out of the province; Be it therefore enacted by the Honorable the Commander in Chief, Council, and Assembly, 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 entitled to sue for and recover any lands or tenements within the province aforesaid, to which they are entitled, within five years after such impediment shall be removed, any thing in the said Act to the contrary, in any wise notwithstanding.

Minors, &c. may sue within five years after impediment removed.

CAP. IV.

For Acts respecting marriages, &c. see note on 32d. Geo. 2d. cap. 17. also, see 22d. Geo. 3d. cap. 3. in amendment of this Act, which appears not to have been heretofore printed.

An ACT for the registering of Marriages, Births and Deaths.

FOR *preventing of great uncertainty and inconvenience, that may happen for want of a register of marriages, births and deaths, Be it enacted by the Honorable the Commander in Chief, Council and Assembly*, That in every township within this province, where no parish shall be established, the proprietors clerks, who are hereby appointed registers of marriages, births and deaths, in their respective townships, and who are hereby impowered and required to take an account of all persons that shall be married, or that shall be born or shall die, within each township respectively, and fairly to register in a book their names and sirnames, as also the names and sirnames of their parents, with the time of their being married, or of their birth and death; and the register shall demand and receive the fee of six pence, and no more, for each and every registry by him so entered, to be paid by the persons who shall be married, and by the parents or other nearest of kin to, or concerned with the party born or dying. And if any shall refuse or neglect to give notice to the said register, of the marriage by the persons themselves, or of the birth or death of any person that they are so related to or concerned for, or to pay for registering as aforesaid, within the space of thirty days next after such marriage, birth or death; every person so refusing or neglecting, and being (upon the complaint of any register) thereof convicted before one of his Majesty's Justices of the Peace within the same county, shall forfeit and pay unto such register, the sum of five shillings; to be levied by distress and sale of the offender's goods, by warrant from such Justice, if payment be not made within four days next after conviction as aforesaid. And every such register shall give forth from the registry a fair certificate under his hand, of persons married, born, or dying in the township, to any who shall desire the same; and he shall receive one shilling and no more, for every certificate so given.

Proprietor's clerk in every township where no parish is established, to register marriages, &c.

Fee six pence

Penalty 5s. on persons not giving notice of marriages, &c. or refusing to pay the Clerk's fee.

A certificate to be given by the Clerk when required.

II. *And be it also further enacted*, That the Registry so kept, shall be sufficient evidence in any court of record within this province.

Registry to be evidence.

CAP. V.

An ACT for preventing damages by unseasonable burning, or Firing of the Woods.

Acts for preserving woods from destruction, 14th and 15th Geo. 3d. cap. 3 and 15th Geo. 3d. cap. 1.

WHEREAS *setting on fire the woods and underbrush, in the dry season of the year, by spreading, has done much damage in the burning houses, fences, hay, &c. And whereas in the present situation of the new settlements, it may be necessary that such regulations should be made, as will be most convenient and useful for clearing the lands with the least risk, Be it therefore enacted by the Honorable the Commander in Chief, Council and Assembly*, That the Justices in the several counties within this

Preamble.

Grand Jury, at March Sessions,

to make regulations, with the approbation of the Juſtices, for preventing burning the woods, &c.

this province, in their Quarter Seſſions to be next held in March for the ſaid counties, ſhall give it in charge to the Grand Juries, then and there ſummoned, to affix and ſettle ſuch regulations within their reſpective counties, as they may judge moſt proper and convenient, to be obſerved and followed by the ſeveral inhabitants within the ſaid counties, for preventing damage by ſetting fire to, and burning the woods, underbruſh, or marſh lands, at unſeaſonable times, with as little prejudice as poſſible to the clearing of lands in the new ſettlements. And ſuch rules and regulations as ſhall be approved of by the Juſtices of the ſaid Seſſions, ſhall be, and are hereby declared to be, the ſtated rules to be kept, obſerved and followed by the inhabitants of the ſaid ſeveral counties, for and during the ſpace of twelve months thereafter.

To be in force for 12 months

The ſame to be done annually.

II. *And be it further enacted*, That the ſaid Juſtices ſhall, in like manner, at their annual ſeſſions, thereafter to be held in March, proceed and give in charge to the ſeveral Grand Juries, in manner aforeſaid, and ſettle and approve of ſuch rules and regulations for the purpoſes aforeſaid, to ſerve for the year then next enſuing, as to them ſhall appear moſt proper and convenient.

Penalties to be ſettled by the Juſtices.

III. *And be it alſo enacted*, That the ſaid ſeveral Juſtices in their Quarter Seſſions as aforeſaid, ſhall be and are hereby impowered to ſettle and appoint ſuch pains and penalties to be inflicted upon the perſon or perſons, who ſhall neglect or refuſe to obey the rules and regulations ſo to be ſettled at the ſaid annual Seſſions of the Peace, as to them ſhall appear to be juſt and equitable.

Not to exceed 5l. Proſecution in three months.

IV. *Provided*, That ſuch pecuniary penalties to be inflicted, ſhall not exceed the ſum of five pounds; and that the proſecution for any offence againſt this Act, be commenced and proſecuted within the ſpace of three months after the offence committed.

CAP. VI.

An ACT to prevent the ſpreading of contagious Diſtempers.

For Acts to alter or amend this Act, ſee 16th Geo. 3d. cap. 2. 19th Geo. 3d. cap. 2. 39th Geo. 3d. cap. 3 and 7. 41ſt Geo. 3d. cap. 2.

BE *it enacted by the Honorable the Commander in Chief, the Council and Aſſembly*, That every veſſel coming into the port of Halifax, having any perſon on board infected with any plague, ſmall-pox, malignant fever, or other contagious diſtemper, ſhall anchor at leaſt two miles below the town of Halifax, towards the ſea, and on her anchoring ſhall hoiſt an enſign with the union downwards at the main-top maſt head; and the maſter thereof ſhall not permit any of the mariners or paſſengers belonging to or coming in ſuch Veſſel, to land: And the ſaid maſter ſhall be obliged, within twenty four hours after his arrival, to give notice thereof to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being of the ſtate, condition, and number of the ſick perſons on board his veſſel, and ſhall conform himſelf to ſuch orders and directions as he ſhall receive from the Governor, Lieutenant-Governor, or Commander in Chief, both for the performing quarantine, for the airing and cleanſing the paſſengers, veſſel, and goods on board, and for removing the infected and ſick perſons out of the ſaid veſſel.

Maſters of veſſels directed how to conduct themſelves on their arrival in the port of Halifax, having perſons on board infected with any contagious diſtemper.

and to give ſecurity for paying the charges of removing them, &c.

II. *And be it further Enacted*, That before any ſuch ſick or infected perſons be put on ſhore, the maſter of ſuch ſhip or veſſel ſhall give ſecurity for the payment of the charge of removing them on ſhore, and alſo for the neceſſary refreſhments, medicines, and attendance, which ſhall be ordered and directed by the Governor, Lieutenant-Governor, or Commander in Chief.

Penalty 100l. for not conforming to this Act.

III. *And be it further enacted*, That any maſter or maſters of any veſſel or veſſels, who ſhall not conform themſelves to the rules and directions preſcribed by this Act, ſhall be liable to pay a fine not exceeding one hundred pounds, on due conviction thereof, to be recovered by bill, plaint, or information, in any of his Majeſty's courts of record. IV.

IV. *And be it further enacted*, That for the preventing any infectious diſtempers from being brought into, and ſpreading in any of the other towns within this province, any one or more Juſtices of the Peace, reſiding within or neareſt to ſuch town within this province, where any veſſel infected with the ſmall pox or infectious diſtemper, ſhall arrive, ſhall forthwith take care to prevent and reſtrain all perſons belonging to or tranſported in ſuch ſhip or veſſel, from coming on ſhore; or if any be before on ſhore, to ſend them on board again; as alſo to reſtrain perſons from going on board ſuch ſhip or veſſel, and to that end may make out a warrant directed to the conſtable of any ſuch town, who are accordingly impowered and required to execute the ſame; and ſuch Juſtice or Juſtices are forthwith to tranſmit the intelligence thereof, to the Governor, Lieutenant-Governor, or Commander in Chief, for their direction and order thereon.

Powers of Juſtices of the Peace at other towns.

CAP. VII.

An ACT for the amendment of an Act, entitled An Act concerning Marriages and Divorce, and for puniſhing Inceſt and Adultery, and declaring Polygamy to be Felony.

For the Acts in amendment of this Act, ſee note on 32d. Geo. 2d. cap. 17.

WHEREAS *by a clauſe in an Act made and paſſed in the thirty-ſecond year of His late Majeſty's reign, entitled*, An Act concerning marriages and divorce, and for puniſhing inceſt and adultery and declaring polygamy to be felony, *it is enacted*, 'That no marriage ſhall be 'declared null and void, except for the cauſe of impotence, or of kindred, within the 'degrees prohibited in an Act made in the thirty-ſecond year of King HENRY the Eighth, 'entitled, An Act concerning pre-contracts, and touching degrees of conſanguinity; and 'that no decree for divorce ſhall be granted for any other than the two foregoing and 'the two following cauſes, viz. That of adultery, and that of wilful deſertion and 'withholding neceſſary maintenance for three years together; in any of which caſes 'every perſon ſuing for a divorce, ſhall be entitled to a decree for that purpoſe, to be obtained 'from the Governor, or Commander in Chief, for the time being, and His Majeſty's Coun-'cil, who ſhall have full power and authority to grant the ſame.' *Which clauſe has been found to be inconſiſtent with the Laws of England*†, *Be it therefore enacted by the Honorable the Commander in Chief, the Council and Aſſembly*, That the cauſes for which marriages ſhall be declared null and void, ſhall be in all cauſes of impotence, of pre-contract and kindred within the degrees prohibited in an Act made in the thirty-ſecond year of King HENRY the eighth, entitled, An Act concerning pre-contracts, and touching degrees of conſanguinity, of adultery, and of cruelty, and for none other cauſes whatſoever.

Preamble.

Cauſes of divorce

II. *Provided*, That nothing herein contained, ſhall be of any force or effect until His Majeſty's pleaſure ſhall be further known herein.

Act ſuſpended until His Majeſty's pleaſure be known.
Confirmed by His Majeſty in Council.

† By the Laws of England, the Cauſes of Divorce, diſſolving the Bond of Marriage are, Precontract, Impotence, Conſanguinity, Affinity, and *Cauſa Mediæ ante Nuptias*; which being precedent Impediments, the Marriage was a Nullity, and *ab initio* void. Adultery and cruelty being ſubſequent to the Marriage, though they are proper cauſes for temporary ſeparation *à Menſa and Thoro*, yet they do not affect the validity of the Marriage, and conſequently cannot, as in themſelves, diſſolve *à Vinculo Matrimonii*, nor can ſuch Divorce bar the Wife of her Dower, or baſtardize the Children, Co. Lit. 235. a. The principal ground of amendment by this Act ſeems to have been, the permiſſion of Divorce for Wilful Deſertion, &c. as not agreeable to the Laws of England, for this Cauſe is now omitted by the Act, and all the other cauſes are, as in the former Act, inſerted.

CAP.

CAP. VIII.

An ACT to enable Creditors to receive their juſt Debts, out of the Effects of their abſent or abſconding Debtors.

Goods and Eſtate of abſconding debtors may be attached, and

BE *it enacted, by the Honorable the Commander in Chief, the Council, and Aſſembly*, That it ſhall and may be lawful for any perſon entitled to any action for any debts, dues or demands whatſoever, againſt any perſon abſconding or abſent out of this province, to cauſe the goods and eſtate of ſuch abſconding or abſent perſon, to be attached, in whoſe hands or poſſeſſion ſoever the ſame are, or may be found: And the attaching of any part thereof ſhall ſecure and make the whole, that is in ſuch perſon's hands, liable in the law to reſpond the judgment to be recovered upon ſuch proceſs, if ſo much there be, and no further, and ſhall be ſubjected to be taken in execution for ſatisfaction thereof, or ſo far as the value thereof will extend, and the perſon in whoſe hands they are ſhall expoſe them accordingly.

ſubject to execution.

Agent, &c. of an abſconding debtor to be ſummoned to Court.

II. *And be it further enacted*, That where no goods or effects of ſuch abſent or abſconding perſon in the hands of his attorney, factor, agent, or truſtee, ſhall be expoſed to view, or can be come at ſo as to be attached, it ſhall and may be lawful to and for any perſon entitled to any ſuch action as aforeſaid, to file a declaration againſt ſuch abſent or abſconding perſon, in the clerk's office of the Inferior Court of Common Pleas in the ſame county where ſuch factor, agent or truſtee lives, therein particularly ſetting forth his debt and damage, how and for what cauſe it ariſes; and to cauſe the attorney, factor, agent or truſtee, of ſuch abſent or abſconding perſon, to be ſerved with a ſummons out of the office, annexed to the ſaid declaration, fourteen days before the ſitting of the court, for his appearance at ſuch court; which being duly ſerved, and return thereof made under the officer's hand, ſhall be ſufficient in the law to bring forward a trial, without other or further ſummons, unleſs the principal be an inhabitant, or hath for ſometime had his reſidence within this province, in which caſe a like ſummons with an atteſted copy of the declaration annexed, ſhall alſo be left at his dwelling houſe, lodging or place of his laſt and uſual abode, fourteen days before the ſitting of the court; and ſuch attorney, factor, agent, or truſtee, upon his deſire, ſhall be admitted to defend the ſuit on behalf of his principal throughout the courſe of the law, and an imparlance ſhall be granted of courſe at two terms ſucceſſively, that he may have an opportunity to notify his principal thereof; and at the third term, without ſpecial matter alledged and allowed in bar, abatement, or further continuance, the cauſe ſhall peremptorily come to trial; and if judgment be rendered for the plantiff, all the goods, effects or credits of ſuch abſent or abſconding perſon, in the hands of ſuch attorney, factor, agent or truſtee, which were in his hands at the time of his being ſerved with the ſummons and declaration aforeſaid, to the value of ſuch judgment, (if ſo much there be) ſhall be liable and ſubjected to the execution granted upon ſuch judgment, for or towards ſatisfying the ſame; and from the time of ſerving the ſummons as aforeſaid, ſhall be liable and ſecured in the law, in his hands to anſwer the ſame, and may not be otherwiſe diſpoſed of or converted.

Goods, &c. in Agent's hands ſubject to execution.

Plaintiff to be nonſuit, where no effects in ſuppoſed Agent's hands,

III. *Provided nevertheleſs, and be it enacted*, That if upon ſummons being ſerved as aforeſaid, the ſuppoſed attorney, factor, agent or truſtee, ſhall come into court at the firſt term, and declare that he had not in his hands, at the time of the ſervice of ſuch ſummons, any goods, effects or credits whatſoever of the abſent or abſconding perſon, and ſhall ſubmit to an examination upon oath reſpecting the ſame; and if, upon ſuch examination, it ſhall appear to the ſatisfaction of the Juſtices of the court, that he had not any goods, effects or credits whatſoever of the abſent or abſconding perſon, in his hands at the time of his being ſummoned as aforeſaid, then in every ſuch caſe, the plaintiff ſhall become nonſuit, and ſhall pay to him who was ſummoned as attorney, factor, agent or truſtee, his reaſonable coſts, to be taxed in common form by the Juſtices of the court.

and to pay coſts

VI.

IV. *And be it further enacted*, That if any attorney, factor, agent, or truſtee, being ſerved with ſummons and declaration as aforeſaid, ſhall not appear at the firſt term, and then either acknowledge himſelf to have had in his hands ſome goods, effects, or credits of the abſent or abſconding perſon at the time of the ſervice aforeſaid; and thereupon pray that he may be admitted to defend the action, or otherwiſe ſubmit himſelf to an examination upon oath as aforeſaid, he ſhall be liable to pay to the plantiff all ſuch coſts as ſhall ariſe upon his ſuit, to be taxed by the Juſtices of the court before which the action ſhall be brought.

Agents, &c. not appearing, liable to pay coſts.

V. *And be it further enacted* That in caſe any attorney, factor, agent or truſtee, from and after the time of his being ſerved with ſummons and declaration as aforeſaid againſt his principal, (being an abſent or abſconding perſon) ſhall transfer, remit, diſpoſe of, or convert any of the goods, effects, or credits of ſuch abſent or abſconding perſon, in his hands at the time of ſuch ſervice, ſo that there ſhall not be ſufficient to ſatisfy the judgment, (the debt being afterwards aſcertained by judgment of court) or that ſhall not diſcover, expoſe, and ſubject the goods, effects, or credits, of ſuch abſent or abſconding perſon, in his hands, to be taken in execution for or towards the ſatisfaction of the judgment, ſo far as what were in his hands at the time of ſaid ſervice, will extend, ſhall be liable to ſatisfy the ſame of his own proper goods and eſtate, and as of his own debt; and a writ of *Scire facias* may be taken out of the ſame court and ſerved upon him as the Law directs, to appear and ſhew cauſe (if any he have) to the contrary, where upon default of appearance, or refuſal to diſcloſe upon his oath, (which oath the Juſtices of ſuch court are impowered to adminiſter) what goods, effects or credits of the abſent or abſconding perſon, are in his hands, and to what value; then judgment ſhall be entered up againſt him of his own proper goods and eſtate, and execution be awarded accordingly.

Execution to be levied on the Agent's proper goods, &c. if he transfer, &c. the effects of his principal.

Agent to diſcover upon oath, the goods &c. of his principal, on failure, judgment to be entered againſt him of his own proper eſtate, &c.

VI. *Provided nevertheleſs, and be it enacted*, That if it ſhall appear that the attorney, factor, agent, or truſtee, ſo ſummoned as aforeſaid, and having in his hands at the time of ſuch ſummons, any goods, effects, or credits of the abſent or abſconding perſon, hath not any ways remitted, diſpoſed of, or any ways converted the ſame after the ſummons being ſerved on him as aforeſaid; but that he hath diſcovered, expoſed, and ſubjected them to be taken in execution, to ſatisfy the judgment recovered againſt the abſent or abſconding perſon as aforeſaid; then the party who commenced the ſuit ſhall pay ſuch attorney, factor, agent, or truſtee, his reaſonable coſts, to be taxed in common form by the Juſtices of the court from which the *Scire facias* iſſued as aforeſaid.

Agent to be allowed his coſts, upon diſcovering the effects, &c. of his principal, and ſubjecting them to ſatisfy the judgment.

VII. *And be it further enacted*, That the goods, effects, or credits, of any abſent or abſconding perſon, ſo taken as aforeſaid by proceſs and judgment of law, out of the hands of his attorney, factor, agent, or truſtee, by any of his creditors, ſhall fully acquit and for ever diſcharge ſuch attorney, factor, agent, or truſtee, his executors, or adminiſtrators, of, from, and againſt all actions and ſuits, damages, payments, and demands whatſoever, to be aſked, commenced, had, claimed, or brought by his principal, his executors, or adminiſtrators, of and for the ſame; and if any attorney, factor, agent, or truſtee, ſhall be moleſted, troubled, or ſued by his principal for any thing by him done in purſuance of this Act, he may plead the general iſſue, and give this Act in evidence.

Agent to be acquitted and diſcharged from any action of his principal.

VIII. *Provided nevertheleſs, and be it further enacted*, That any abſent or abſconding perſon, againſt whom judgment ſhall be recovered as aforeſaid, ſhall be entitled to a re-hearing of ſuch cauſe at any time within three years after ſuch judgment; and the plaintiff in ſuch action, before any execution ſhall iſſue on ſuch judgment, ſhall give ſufficient ſecurity to the ſatisfaction of the court, for the re-payment of all ſuch monies as may be levied by virtue of ſuch execution, in caſe the ſaid judgment ſhould be reverſed on ſuch re-hearing as aforeſaid.

Principal entitled to a re-hearing within three years.

IX. *Provided always*, That ſo much of this Act only as relates to the commencing of the action, and attaching the goods, ſhall be of force, till his Majeſty's further pleaſure be known therein.

Part of this Act only to take place till his Majeſty's pleaſure be known. Confirmed by His Majeſty in Council.

CAP.

CAP. IX.

Acts in amendment of, or addition to this Act, 2d. Geo. 3d. cap. 8. sec. 2. 32d Geo. 3d. cap. 3.

An ACT for the appointment of Sworn Gaugers, aſcertaining their Duty, granting them an Allowance, and eſtabliſhing their Fees.

Two Gaugers to be appointed at Halifax.

BE *it enacted by the Honorable the Commander in Chief, the Council and Aſſembly*, That it ſhall and may be lawful for His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint two Guagers for the port of Halifax, who ſhall be ſworn to the faithful diſcharge of their duty, and who are hereby authoriſed to guage all Rum or other diſtilled ſpirituous liquors, which ſhall be imported into, or diſtilled within the ſame, and ſhall perform all ſuch guaging by the inſtrument commonly called and known by the name of Gunter's Callipers, and no other inſtrument whatſoever; and who ſhall have an allowance not exceeding twenty-five pounds per annum each, to be paid out of the duties ariſing on Rum, or other diſtilled ſpirituous liquors, imported into or diſtilled within this province; and it ſhall and may be lawful for the ſaid Guagers to demand and receive the following fees:

Salary, 25l. per an. each.

Their fees.

For guaging a Puncheon or Pipe -	Six pence.
A Hogſhead or Tierce - - -	Four pence.
A Barrel - - - - -	Two pence.

and other caſks in proportion, and no more, to be paid by the ſeller.

The ſame fees at the out-ports, and 6d. per mile for travel.

II. *Be it further enacted*, That for every other port or town within this province, where no diſtilling houſe is erected, and where it may be neceſſary for a Gauger to be appointed, the ſaid Gauger ſhall be entitled to receive the ſame fees, as is herein before eſtabliſhed for the port of Halifax, with a further allowance of ſix pence a mile for his travel.

Penalty 5l. on any Guager neglecting his duty

III. *And be it further enacted*, That if any Gauger to be appointed as aforeſaid, ſhall neglect to attend upon due notice given for the guaging any rum, or other diſtilled ſpirituous liquors, imported into, or diſtilled within the province, ſhall forfeit and pay for every ſuch neglect the ſum of five pounds, with coſts, upon conviction thereof by the oath of one credible witneſs, before any two of His Majeſty's Juſtices of the Peace, to be recovered by warrant of diſtreſs from under the hand and ſeal of ſaid Juſtices, one moiety whereof to be paid to the perſon who ſhall inform and ſue for the ſame, the other moiety to the overſeers of the poor, for the uſes of the poor of the town where ſuch offence ſhall be committed.

No fees to be taken at the Still Houſes.

IV. *Provided always, and it is hereby further enacted*, That no fees ſhall be demanded by the Guager as aforeſaid, for gauging any ſtock of rum, or other diſtilled ſpirituous liquors made up at the diſtilling houſes within this province.

CAP. X.

For Acts in amendment of, or addition to this Act, ſee note on 32d. Geo. 2d. c. 14.

An ACT in addition to an Act, entitled An Act in addition to an Act, entitled An Act for preventing Treſpaſſes.

Preamble.

WHEREAS *in and by an Act made and paſſed in the Thirty-third year of His late Majeſty's Reign, entitled*, An Act, in addition to an Act, entitled, An Act, for preventing Treſpaſſes,* *it is among other things enacted*, 'That the Juſtices in their Quarter Seſſions in all other 'Counties, (Halifax excepted) within this Province, ſhall be impowered and are hereby di'rected to make regulations for preventing treſpaſſes, by horſes, ſwine, ſheep, goats and neat cattle;

* C. 14.

'cattle, in manner as shall be most agreeable to the circumstances of such county, or townships therein.' *But no penalty is therein mentioned to be inflicted on such as shall trangress such regulations made as aforesaid; Be it therefore enacted by the Honourable the Commander in Chief, the Council and Assembly,* That any person transgressing such regulations so made by the Justices in the Sessions as aforesaid, for the preventing of trespasses as aforesaid, shall be subject to a fine not exceeding forty shillings; to be recovered, on complaint or information, before any two of His Majesty's Justices of the Peace for the county wherein the offence shall be committed, or before the Sessions in said County.

Persons transgressing regulations made at Sessions subject to a fine not exceeding 40s.

CAP. XI.

An ACT for the relief of the Poor of the Town of Halifax, and indigent Persons in the new Settlements.

Acts in amendment of, or addition to this Act, 33d. Geo. 2d. cap. 1. sec. 8. 3d. and 4th. Geo. 3d. cap. 7. 7th Geo. 3d. cap. 3. 8th. Geo. 3d. cap. 5. 8th. and 9th Geo. 3d. c. 1. 10th. Geo. 3d. cap. 1 and 2. 12th. Geo. 3d. cap. 6. 16th. Geo. 3d. cap. 1. 17th. Geo. 3d. cap. 5. 31st. Geo. 3d. cap. 2. 32d. Geo. 3d. cap. 5. sec. 5, and 13. 39th. Geo. 3d. cap. 4. 41st. Geo. 3d. cap. 6, and temporary Acts, 22d. Geo. 3d. 29th. Geo. 3d. 30th. Geo. 3d. 34th. Geo. 3d. 2d. sec.

This Act, which was to borrow money for the relief of the poor and new settlers, being executed, the title only is printed.

CAP. XII.

An ACT for prohibiting the Exportation of Raw Hides, Sheep or Calf Skins, out of this Province, other than for Great-Britain; and to prevent the Cutting, Splitting or Flawing of Hides.*

Acts in amendment of, and addition to this Act, are 10th Geo. 1d. cap. 9. 19th Geo. 3d. cap. 3.

WHEREAS *the exportation of raw hides, sheep and calf skins out of this Province except to Great-Britain, has been found to be a great prejudice to the same; Be it therefore enacted by the Honorable the Commander in Chief, Council and Assembly,* That from and after the tenth day of August, 1761, no person or persons shall load on board any ship or vessel for exportation, any raw hides of any ox, bull, steer or cow, or any sheep or calf skin, before the master of such ship or vessel shall have given bond to the proper officer at Halifax, or at any other port within the province, to such person as shall be appointed for that purpose, in the value of one hundred pounds currency, with sufficient security that the same shall be by the said ship or vessel carried to Great-Britain and to no other place, and be there landed and put on shore, (the danger of the seas only excepted,) and shall within twelve months, return a certificate that the same have been so landed: and if any person shall presume to lade on board any ship or vessel, any raw hides or skins as aforesaid, before bond be given as aforesaid, he shall forfeit the same, and the master of the vessel shall forfeit the value of such raw hides as shall be found on board such vessel, and if any ship or vessel shall carry out of this province such hides or skins as aforesaid, before bond be given as aforesaid, or any seizure made, every master of such ship or vessel shall forfeit and pay double the value of the same, and the shipper treble the value of the hides or skins so shipped.

Preamble.

No raw hides, &c. to be loaded on board any vessel, until bond be given that the same shall be landed in Great Britain,

On penalty of being forfeited.

Penalty on masters of vessels carrying the same out of the province.

II. *Provided,* That information, suit, or prosecution on the same, be had or made within the term or space of twelve months next after the offence committed.

Prosecution to be within twelve months.

III. *Provided also,* That when the current price of raw hides, such as of ox, bull, steer, or cow, shall be under three half pence per pound, the same may be exported to any of his Majesty's plantations.

Except when under three half pence per pound.

* The regulations in this Act originated from an order of Council, dated 14th April, 17--, which was continued and amended by a temporary Act of the 32d. Geo. 2d. after the expiration of which, the present Act was passed.

Penalty 20s. for gashing &c. the hide of any ox, &c.

IV. *And be it also enacted*, That if any butcher or other person whatsoever shall by himself or any other person employed by or under him or them, gash, cut, split, or slaw the hide of any ox, bull, steer, cow, sheep, or calf, in fleaing thereof or otherwise, whereby the same shall be impaired or damaged, and offer the same to sale, such butcher or other person so offending shall forfeit and pay the sum of twenty shillings, for each and every such offence committed by them, or any other person employed by or under him or them.

How penalties are to be recovered,

V. *And be it further enacted*, That the several fines and forfeitures incurred by this act, shall be recovered on the oath of one credible witness in manner following, (that is to say) That for exporting raw hides, calf or sheep skins, contrary to the tenor of this act, by bill, plaint, or information, in any of his Majesty's courts of record in this province, one half thereof to be paid to the Treasurer of the province for the use of his Majesty's government in said province, the other half to him or them that shall inform and sue for the same; and the penalty for cutting, splitting, or slawing hides, to be recovered before any one of his Majesty's Justices of the peace, to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the Justice before whom the conviction of the said offence is made, and for want of distress to suffer twenty days imprisonment; and that one half of said penalty be paid to the informer or person suing for the same, and the other half to the poor of the place where the offence shall be committed.

and applied.

CAP. XIII.

An ACT for ascertaining the Times and Places for the holding of the General Quarter Sessions of the Peace, and the Inferior Courts of Common Pleas, for the Counties of Lunenburg, King's County, and Annapolis.*

* The sitting of the Courts at Lunenburg, is at present regulated by the 7th. Geo. 3d. cap. 5. at Annapolis, by the 40th Geo. 3d. cap. 5 and at King's County, by 39th. Geo. 3d. cap. 5. therefore no more than the title of this Act, is now printed.

The Acts in amendment of, addition to or alteration of this Act, are the 5th Geo 3d. c. 2 and 5. 13th and 14th Geo. 3d. c. 3. 19th. Geo. 3d. c. 8. 23d. Geo. 3d. cap. 5. 28th Geo. 3d. c. 4. 29th. Geo. 3d. c. 7. 32d. Geo. 3d. cap. 6. 33d. Geo. 3d. cap. 6. 40th. Geo. 3d. c. 1. 41st. Geo. 3d. cap. 5. also, temporary Laws 33d. Geo. 3d. 34th Geo. 3d. 36th. Geo. 3d.

CAP. XIV.

An ACT for the repairing and mending Highways, Roads, Bridges, and Streets, and for appointing Surveyors of Highways, within the several Townships in this Province.

Two Surveyors to be chosen, &c.

Persons refusing to serve &c. forfeit 5l.

BE *it enacted by the Honorable the Commander in Chief, the Council and Assembly*, That the Grand Juries at the General Quarter Sessions of the Peace, held for the several counties, next after the first of January, shall annually elect, nominate, and choose two discreet and fit persons to be surveyors of highways for each town in the respective counties, who shall be sworn to the faithful discharge of their office for the year ensuing, before the said sessions, or before any one of the Justices of the Peace within or nearest to the said town, for which such surveyors shall be chosen; and any person being so nominated and chosen, who shall refuse to accept of the said office, or shall neglect to be sworn as aforesaid, within fourteen days next after such nomination, or having accepted shall neglect his duty, shall forfeit for every refusal or neglect, five pounds, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record; and the forfeiture shall be applied for the repairing of the highways*.

II.

* Eng. stat. 3. and 4. Will. and Mar. c. 12, directs the manner of appointing surveyors of the highways in England, who must survey and present on oath, to some Justice of the Peace, &c. the state and condition of the highways &c.

II. *And be it further enacted*, That every perſon within each townſhip keeping any cart, team, or truck, ſhall ſend on every day appointed by the ſaid ſurveyor of highways, one cart, or team, or truck, with two oxen or two horſes, and one able man to drive the ſame, for four days in every year, to work on the highways, roads, ſtreets, or bridges, allowing eight hours to each day's work; and ſuch perſon not attending or neglecting to perform the ſaid duty, ſhall forfeit for every day's neglect, ten ſhillings; and that every other houſeholder or labourer, not being an hired ſervant for a year, ſhall, on every day appointed as aforeſaid, either by himſelf or other ſufficient perſon to be hired by him, provided with ſuch neceſſary implements as ſhall be directed by the ſaid ſurveyor, work for the ſpace of ſix days in every year, on the ſaid highways, roads, ſtreets, or bridges, within the townſhip where they reſpectively dwell; and ſuch perſons not attending or neglecting to perform the ſaid duty, ſhall forfeit three ſhillings for every day's neglect; and any one of the Juſtices of the Peace, within the county, where the offence is committed, is hereby impowered on complaint made to him by the ſaid ſurveyor of highways, to ſummon the perſon ſo neglecting, and upon his non-appearance, refuſal, or neglect to pay the forfeiture, ſhall levy the ſame by warrant of diſtreſs;* and the money ſo levied ſhall be immediately paid into the hands of the ſurveyor for the repairs of the highways.

Each perſon's proportion of labour to the Highways, &c.

Penalty for neglect of labour.

* Mode of recovery altered by 13th. and 14th Geo 3d. cap. 3.

III. *And be it further enacted*, That the conſtables of the ſeveral townſhips in this province, ſhall make out a liſt of all ſuch perſons who are owners of teams, carts, or trucks, as alſo of every other houſholder and labourer within their reſpective townſhips; and ſhall in writing (making an equal diviſion) ſet out to the ſurveyors of highways, the ſeveral roads, highways, and ſtreets, on which each of them ſhall reſpectively labour; and deliver alſo a liſt, ſigned by them, of ſuch perſons as ſhall live within the diſtrict wherein ſuch highways, roads, or ſtreets, are allotted to each of them, to be employed by them reſpectively, and who accordingly ſhall be reputed to be the perſons obliged by this Act to labour.†

Conſtables to make out liſts of perſons liable to labour on the Highways, &c.

and deliver the ſame to the Surveyors.

† Sec. 13th. and 14th. Geo. 3d. cap. 3.

IV. *And be it further enacted*, That the ſaid ſurveyors of highways ſhall, and are hereby impowered, in the fitteſt and moſt ſeaſonable time, between the firſt day of April, and the firſt day of November, yearly (ſeed time and harveſt only excepted) to ſummon the inhabitants contained in their liſts reſpectively, giving them at leaſt ſix days notice of the time and place where he propoſes to employ them; and ſhall there overſee and order the perſons ſo ſummoned, to labour in making, mending, or repairing the highways, roads, ſtreets, and bridges, in the moſt uſeful manner, during the number of days appointed by this Act for each perſon to labour; and the ſurveyor of highways ſhall himſelf be excuſed from any other ſervice on the highways, than the ſummoning, ordering, and directing thereof.

Labour on the Highways to be done between the 1ſt of April and the 1ſt of November, yearly.

Surveyors excuſed from labour

V. *And whereas the labour of men may be more uſeful, than the employing teams, carts, or trucks, in ſome towns, be it therefore enacted*, That when any ſurveyor of highways ſhall judge the labour of men more uſeful and neceſſary than that of carts, teams, or trucks, the perſons who by this Act are to find carts, teams, or trucks, ſhall be obliged under the like penalty, to ſend two labouring men inſtead thereof, furniſhed with neceſſary implements as aforeſaid.

Owners of carts, &c. to ſend two men inſtead of a cart, if judged neceſſary by the Surveyor.

VI. *And be it further enacted*, That the ſurveyors of highways ſhall, at the expiration of their office annually, account at the General Quarter Seſſions of the Peace, for all the fines received by them for the uſe of the highways, and ſhall pay the overplus if any in their hands) to their ſucceſſors in the ſaid office, for the aforeſaid uſes, under the like penalty as for any other neglect of office.

Surveyors to account to the Quarter Seſſions.

Eng. Stat. 13. Ed. 1. (Statute of Winchester) c. 5. 2 and 3 Ph. and Mar. c. 8. ſec. 2. 22. Car. 2. c. 12. ſec. 9. For Expoſition of theſe Engliſh Statutes, Vide 1. Hawk. P. C. 264. and Seq. and Dalton. c. 50.

CAP.

For Acts in amendment of, or addition to this Act, ſee note on 32d Geo. 2d. cap. 14.

CAP. XV.

An ACT in addition to, and amendment of an Act, entitled, An Act for preventing Treſpaſſes.*

* 32. Geo. 2. c. 14.

Preamble.

WHEREAS *in and by an Act, entitled*, an Act for preventing treſpaſſes, *it is enacted*, 'That 'no ſwine ſhall be permitted to go at large within the ſtreets, lanes, or ſuburbs of 'Halifax,' *and the means therein provided to prevent the ſame, has hitherto proved ineffectual; and whereas goats going at large has been found pernicious and deſtructive; Be it therefore enacted by the Honorable the Commander in Chief, the Council and Aſſembly*, That it ſhall and may be lawful for any perſon whatſoever, to take and ſeize all ſwine and goats going at large within the ſtreets, lanes or ſuburbs of Halifax, and upon proof thereof on the oath of one credible witneſs, before any one of his Majeſty's Juſtices of the Peace for the ſaid town and county, the ſame ſhall be by him declared forfeited; one third of the value of which to be paid to the proſecutor, and the remainder to and for the uſe of the poor of the town of Halifax, and ſhall be accordingly diſpoſed of by him for their uſe.

Swine or Goats going at large in Halifax, to be forfeited.

One third to the proſecutor, the remainder to the poor.

CAP. XVI.

Expired.

An ACT, in amendment of, and addition to, and for further prolonging an Act, entitled, An Act for granting and eſtabliſhing an allowance to the Collector or Collectors of the Impoſt and Exciſe Duties.

CAP. XVII.

Expired.

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.

CAP. XVIII.

Expired.

An ACT for altering and amending an Act, entitled, 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.

CAP. XIX.

Expired

An ACT for ſuppreſſing Unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be Licenſed.

At

At the GENERAL ASSEMBLY, of the Province of Nova-Scotia, begun and holden at Halifax, on the firſt day of July, Anno Domini 1761, 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, 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.*

* In the time of Jonathan Belcher, Governor, John Collier, Speaker of the Council, William Neſbit, Speaker of the Aſſembly, John Duport, Secretary of Council, Archibald Hinſhelwood, and Iſaac Deſchamps, Clerks of Aſſembly.

CAP. I.

An ACT for the regulating Innholders, Tavern-keepers, and Retailers of Spirituous Liquors.

For alterations of this Act, ſee temporary Acts, 39th and 40th. Geo. 3d. ſee alſo 1ſt. Geo. 1R. c. 1. ſec. 3.

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That from and after the publication hereof, no retailer, innholder, tavern or alehouſe keeper, who ſhall ſell upon truſt or credit, any wine, ſtrong beer, ale, brandy, rum, or other ſpirituous liquors, mixt or unmixt, to any ſoldier, ſailor, ſervant, or day labourer, or other perſon whatſoever, to the amount of any ſum exceeding the ſum of five ſhillings, ſhall have any remedy to recover the ſame, either at law or in equity, againſt any of the perſons aforeſaid, their executors or adminiſtrators.

No debts to be recovered by retailers, &c. for wines, &c. ſold to any ſoldier, &c. for any ſum above five ſhillings.

II. *And be it further enacted*, That in caſe any ſoldier, ſailor, ſervant, apprentice, bound ſervant, or negro ſlave, or other perſon whatſoever, ſhall leave any pawn or pledge, as a ſecurity for the payment of any ſum exceeding five ſhillings, contracted in ſuch manner, ſuch ſoldier, ſailor, ſervant, apprentice, bound ſervant, or negro ſlave, or other perſon whatſoever, or the maſters or miſtreſſes of ſuch ſervant, apprentice, bound ſervant or negro ſlave, may complain to any Juſtice of the Peace where ſuch retailer, innholder, tavern or alehouſe keeper, or any other perſons whatſoever, receiving ſuch pawns or pledges, uſually reſides, that ſuch pawn or pledge is detained from him or her by ſuch retailer, innholder, tavern or alehouſe keeper, or any other perſon whatſoever, and having made proof thereof upon oath, or otherwiſe to the ſatisfaction of ſaid Juſtice, ſuch Juſtice of the Peace is required, by warrant under his hand and ſeal, to compel ſuch retailer, innholder, tavern or alehouſe keeper, or other perſon whatſoever, by diſtreſs and ſale of his goods, to reſtore the aforeſaid pawn or pledge to the party complaining, or to make him or her ſatisfaction for the loſs or abuſe thereof; and ſhall further be ſubject to a fine not exceeding twenty ſhillings, for the uſe of the poor, and coſts of proſecution.

Pledges for payment of any ſum above 5s. to be reſtored by order of a Juſtice of the Peace.

III.

Retailers, &c. not to suffer apprentices &c. to remain drinking in their houses, &c. on penalty of 20s.

III. *And be it further enacted*, That no retailer or person whatsoever, shall harbour or suffer any apprentice, bound servant, or negro slave, to sit drinking in his or her house, nor sell or give him or them, nor suffer to be sold or given him or them, any of the liquors aforesaid, without special order or allowance of their respective masters or mistresses, on pain of forfeiting the sum of twenty shillings for every such offence, together with the charges of prosecution; to be recovered, upon conviction on the oath of one credible witness, before any one of His Majesty's Justices of the peace within the town or precinct where the offence shall be committed, or such other proof as shall be to the satisfaction of such Justice, and to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the said Justice, and for want of sufficient distress, such Justice shall and may commit such offender to His Majesty's gaol, there to remain for the space of one month, or till he shall have paid and satisfied the same. And such sum so levied shall, by the said Justice be paid into the hands of the overseers of the poor of the town or precinct where the offence shall be committed, to be by them applied to the use of the poor of such town or precinct.

Not to extend to travellers, &c.

IV. *Provided always*, That nothing herein contained shall extend to debar any retailer, innholder, tavern or alehouse keeper, from furnishing any traveller, or boarders in his family, with necessary refreshments on credit.

CAP. II.

An ACT to enable the Governor, Lieutenant-Governor, or Commander in Chief, to borrow the sum of Four Thousand Five Hundred Pounds, for paying off the Public Debts, and to postpone the payment of Bounties and Premiums.*

*This Act was executed, and the money borrowed, re-paid.

CAP. III.

An ACT for preventing fraudulent Dealings in the Trade with the Indians.

Preamble.

WHEREAS *many mischiefs may arise by frauds and other injuries, in the trade with the Indians of this Province: And whereas the said Indians are unacquainted with the laws of this province, and in what manner they are to proceed in order to do themselves right; Be it enacted, by the Lieutenant Governor, Council and Assembly*, That the Governor, Lieutenant Governor, or Commander in Chief, upon complaint of any Indians within this province, made to him or either of them, that they have been wronged or cheated of their furs or any other merchandize, or in any other their trade and dealing with other His Majesty's subjects; that the Governor, Lieutenant-Governor, or Commander in Chief, is hereby desired to direct His Majesty's Attorney General to prosecute the same, either before His Majesty's Justices, or in any of His Majesty's Courts of Record in a summary way, as the laws do direct, and such prosecution shall be deemed legal, and judgment and execution shall issue accordingly.

The Attorney General to prosecute in behalf of any Indians, for injuries done them.

Act to continue till further regulations be made.

II. This Act to continue and be in force until further regulations relating to the trade with the Indians shall be made.

CAP.

CAP. IV.

An ACT to prevent the Firing of Squibs, Rockets, Serpents, or other Fireworks.

BE it enacted, *by the Lieutenant-Governor, Council and Aſſembly*, That it ſhall not be lawful for any perſons to make, or cauſe to be made, or ſell, or expoſe to ſale, any ſquibs, rockets, ſerpents, or other fireworks, or any caſes, moulds, or other implements for the making the ſame, or for any perſons to permit any ſquibs or other fireworks to be thrown or fired from their houſes, lodgings, or habitations, or place thereto belonging or adjoining, into any public ſtreet, road, paſſage or water, or for any perſon to throw, or fire, or be aſſiſting in throwing or firing of any ſquibs, or other fireworks into any public ſtreet, houſe, ſhop, highway, road, paſſage or water; and that every ſuch offence ſhall be judged a common nuiſance.

Making, &c. any ſquibs, &c. to be judged a common nuiſance.

II. *Be it further enacted*, That if any perſons ſhall make, or cauſe to be made, or ſhall give, ſell, or utter any ſquibs, rockets, ſerpents or other fireworks, or any moulds or inſtruments for the making of any ſuch ſquibs, rockets or ſerpents, or other fireworks, every perſon ſo offending, and being thereof convicted before one of his Majeſty's Juſtices of the peace of the place where ſuch offence ſhall be committed, by confeſſion of the party, or the oath of one credible witneſs, ſhall forfeit the ſum of forty ſhillings; and that if any perſons ſhall throw or fire, or be aiding and aſſiſting in throwing or firing, of any ſquibs, rockets, ſerpents, or other fireworks, into any public ſtreet, houſe, ſhop, highway, paſſage, or water, every perſon ſo offending, and being thereof convicted as aforeſaid ſhall forfeit the ſum of forty ſhillings; and if any perſons ſhall permit any ſquibs, or other fireworks, to be thrown or fired from their houſes, ſhops, lodgings, or habitations, or in any place thereto belonging, or adjoining to any public ſtreet, road or paſſage, or any other place; every ſuch perſon ſo offending and being thereof convicted as aforeſaid, ſhall forfeit the ſum of forty ſhillings. The ſaid ſeveral forfeitures to be levied by diſtreſs and ſale of the goods of every ſuch offender, by warrant of the Juſtice before whom the conviction ſhall be made, the one half of the forfeiture to be to the uſe of the poor where the offence ſhall be committed, and the other half to the uſe of them, who ſhall proſecute and cauſe ſuch offenders to be convicted; and if ſaid perſons ſo offending ſhall not, immediately upon their being convicted, pay to the Juſtice before whom ſuch conviction ſhall be made, the ſaid forfeiture for the uſes aforeſaid, ſuch Juſtice is hereby required and impowered, by warrant to commit ſuch perſon to the houſe of correction, or gaol for any time not exceeding fourteen days, unleſs ſuch offender ſhall ſooner pay ſuch forfeiture to the ſaid Juſtice.

Perſons making the ſame, &c. forfeit 40s.

One half to the poor, the other half to the informer.

III. *Provided*, That this Act ſhall not extend to debar the Governor, Lieutenant-Governor, or Commander in Chief of this province, or the Commanding Officers of his Majeſty's troops, or any perſons employed under them or either of them, from making and firing off any ſuch fireworks as aforeſaid.

Exception as to the Governor, &c.

IV. *Be it alſo enacted*, That no perſon whatſoever ſhall preſume to make or cauſe to be made any bonfires within three hundred yards of any buildings, ſtacks of hay or corn, under the penalty of forty ſhillings, to be recovered and applied in the manner as mentioned in this Act.

Bonfires not to be made within 300 yards of any building &c.

CAP. V.

An ACT for appointing Firewards, aſcertaining their Duty, and for puniſhing Thefts and Diſorders at the Time of Fire.

Acts in amendment or alteration of this Act. 22d. Geo. 3d. cap. 4. 23d. Geo. 3d. cap. 6. 28th. Geo. 3d. cap. 8. 30th Geo. 3d. cap. 1. 31ſt. Geo. 3d. cap. 8. 33d. Geo. 3d. cap. 7. 41ſt. Geo. 3d. cap. 1.

Juſtices in Seſſions to appoint ten perſons to ſerve as Firewards for Halifax.

BE *it enacted, by the Lieutenant Governor, Council, and Aſſembly*, That it ſhall and may be lawful to and for the Juſtices of the peace for the town and county of Halifax, from time to time, annually, in their ſeſſions, to appoint ſuch number of prudent perſons of known fidelity, not exceeding ten, in the ſeveral parts of the ſaid town of Halifax, and the ſuburbs thereof, as they may think fit, who ſhall be ſworn faithfully to diſcharge their truſt, and ſhall be denominated and called Firewards, and have a proper badge aſſigned to diſtinguiſh them in their office, viz. A ſtaff of ſix feet in length, coloured red, and headed with a bright braſs ſpear of ſix inches long.

Duty and authority of the Firewards.

II. *And be it further enacted*, That at the times of the breaking forth of fire in the ſaid town or ſuburbs thereof, and during the continuance thereof, the ſaid firewards ſhall and are hereby authorized and impowered, jointly or ſeparately to command and require aſſiſtance for the extinguiſhing and putting out the fire, and for removing of houſhold ſtuff, furniture, goods and merchandizes, out of any dwelling houſes, ſtore-houſes, or other buildings actually on fire, or in danger thereof, and to appoint guards to ſecure and take care of the ſame: As alſo to require aſſiſtance for the pulling down of any houſes, or any other ſervices relating thereto, to ſtop and prevent the further ſpreading of the fire; and to ſuppreſs all tumults and diſorders. And the officers appointed from time to time as aforeſaid, are required upon the notice of fire breaking forth (taking their badge with them) immediately to repair to the place, and vigorouſly exert their authority for the requiring aſſiſtance, and uſing their utmoſt endeavours to extinguiſh, and prevent the ſpreading of the fire, and to preſerve and ſecure the eſtate and effects of the inhabitants; and due obedience is required to be yielded unto them, and each of them accordingly for that ſervice: And for all diſobedience, neglect or refuſal in any perſon, information thereof ſhall, within two days next thereafter, be given to any one of His Majeſty's Juſtices of the peace for the ſaid county and town, and upon conviction thereof, before any two of the Juſtices aforeſaid, each and every perſon ſo convicted ſhall forfeit and pay the ſum of forty ſhillings, to be levied and diſtributed by the direction of ſuch Juſtices, among the poor moſt diſtreſſed by the fire; and in caſe the offenders are unable to ſatisfy the fine, then to ſuffer ten days impriſonment.

Any perſon diſobeying their orders at the time of fires, forfeit 40s.

Two Magiſtrates or Firewards, may order any houſe to be pulled down, to ſtop the fire.

III. *And be it further enacted*, That when any fire ſhall break out in the ſaid town of Halifax, or the ſuburbs thereof, two or more of the magiſtrates or firewards of the ſaid town ſhall and may, and are hereby impowered to give directions for pulling down any ſuch houſe or houſes as ſhall by them be judged meet to be pulled down, for the ſtopping and preventing the further ſpreading of the fire; and if it ſhall ſo happen, that the pulling down any ſuch houſe or houſes by the direction aforeſaid, ſhall be the occaſion of ſtopping the ſaid fire, or that the ſaid fire ſhall ſtop before it come to the ſame, that then all and every owner of ſuch houſe or houſes ſhall receive reaſonable ſatisfaction, and be paid for the ſame by the reſt of the inhabitants of the ſaid town and ſuburbs, (to be accounted from the river called the freſh water river, to Mr. Mauger's diſtilling houſe incluſive) whoſe houſes ſhall not be burnt, in the manner hereinafter preſcribed, *(That is to ſay)* the owner or owners of ſuch houſe or houſes ſo pulled down and entitled as aforeſaid, ſhall as ſoon as may be, make application to the firſt Juſtice in the commiſſion of the Peace for the ſaid town and county, or in his abſence to the next named in the ſaid commiſſion, who is hereby impowered to call a ſpecial ſeſſions of the Juſtices, who ſhall meet at the time appointed; and the court being ſatisfied, by ſuch proof as ſhall be brought, of the juſtice of the claims made, they

Owners of ſuch Houſes to have ſaits action, by an aſſeſſment of the inhabitants

they ſhall then iſſue an order for a valuation of the damages ſo ſuſtained, to be made by two or more indifferent perſons, who ſhall make a return of their proceedings, upon oath, into the ſaid court by the day affixed; whereupon the court ſhall appoint two or more aſſeſſors, who ſhall tax the houſes of the ſaid inhabitants that have not been burnt, at ſuch rate or rates as ſhall by them be thought juſt, in proportion to the value of the houſes that are to be taxed, for paying the ſaid damages and the charges of valuation, taxation, and collection, together with the other fees of the court, to be ſettled before the making ſuch aſſeſſment; and the ſaid aſſeſſors are to report their proceedings to the Court alſo upon oath. And the ſaid Court ſhall thereupon iſſue an order for collecting the monies ſo taxed, and in caſe of non payment the ſame to be levied by warrant of diſtreſs to be obtained from any one of the ſaid Juſtices, upon application to him by the collector or collectors of the ſaid tax: And as ſoon as the aſſeſſments are ſo collected, the Court ſhall order payment to be made to the party claiming, according to the report made and approved of the ſaid damages; as alſo the payment of ſuch other charges as aforeſaid.

No ſatisfaction to be made for the houſe where the fire began

IV. *Provided*, That if the houſe where the fire did begin and break out, ſhall be adjudged fit to be pulled down to hinder the increaſe and further ſpreading of the ſame, that then the owner of ſuch houſe ſhall receive no manner of ſatisfaction therefor, any thing herein contained to the contrary notwithſtanding.

Stealing at the time of fires, felony without clergy.

V. *And be it likewiſe enacted*, That if any evil minded wicked perſons, ſhall take advantage of ſuch calamity, to rob, plunder, purloin, embezzle, or convey away, or conceal any goods, merchandizes, or effects of the diſtreſſed inhabitants, whoſe houſes are on fire or endangered thereby, and put upon removing their goods; and ſhall not reſtore and give notice to the owner or owners, if known, or bring them into ſuch public place as ſhall be appointed and aſſigned by the Governor and Council, within the ſpace of two days next after proclamation made for that purpoſe, the perſon or perſons ſo offending, and being thereof convicted, ſhall be deemed felons, and ſuffer death, as in caſes of felony, without benefit of clergy.

CAP. VI.

This Act repealed by 35th. Geo. 3d.

An ACT, in addition to an Act, entitled, An Act for eſtabliſhing and regulating a Militia.

CAP. VII.

This Act repealed by 35th. Geo. 3d.

An ACT for the better regulating the Militia, on actual Service, in time of War.

CAP. VIII.

Acts in amendment of, or addition to this Act, 6th. and 7th. Geo. 3d cap. 2. 12th. Geo. 3d. cap. 3. 29th. Geo 3d. cap. 11. 33d. Geo. 3d. cap. 11. 34th. Geo. 3d. 38th Geo. 3d.

An ACT for regulating the exportation of Fiſh, and the aſſize of Barrels, Staves, Hoops, Boards, and all other kind of Lumber; and for appointing Officers to ſurvey the ſame.

Pickled fiſh for exportation to be put into bar-

BE *it enacted by the Lieutenant-Governor, Council, and Aſſembly*, That from and after the end of this preſent Seſſion of the General Aſſembly, all pickled fiſh for exportation ſhall be put in none but barrels of thirty-one gallons and a half at leaſt, and that the fiſh be

rels of 31 gallons and a half at leaſt, the fiſh to be all of one kind,

all of one kind, well ſaved, ſweet, free from ruſt, and cloſe packt, the barrels tight, and full of ſweet and ſtrong pickle.

Quality of herrings.

That herrings be free from oil.

Of codfiſh

That merchantable codfiſh have the qualities that make them ſo in Newfoundland.

Size of hogſhead ſtaves.

That all hogſhead ſtaves be ſix inches broad, three quarters of an inch thick at the thin edge, and forty inches long.

Of barrel ſtaves

That barrel ſtaves be four inches broad, and half an inch thick at the thin edge, and thirty inches long.

Of barrel ſtaves for the Iriſh market.

That barrel ſtaves for the Iriſh market be thirty inches long, five inches broad, clear of ſap, and three quarters of an inch thick at the thin edge.

Of hogſhead hoops.

That hogſhead hoops be fifteen feet long, ſubſtantial and well-ſhaved, and three quarters of an inch broad at the ſmall end.

Of barrel hoops.

That barrel hoops be nine feet long, and half an inch broad at the ſmall end.

Of boards.

That boards ſhall be full one inch thick.

Of ſhingles.

That ſhingles be eighteen inches long at leaſt, four inches broad, and half an inch thick at the thick end.

Of Clapboards

That clapboards be five inches broad, half an inch thick at the back, and four feet four inches long.

Meaſure of cord wood.

That cord wood be full four feet long each ſtick, accounting half the carf, the pile to be ſolid, four feet high, or an allowance for wants, of eight feet long, and each cord ſound hard wood.

Officers to be appointed.

II. *And be it further enacted*, That all barrels uſed for fiſh within this province, ſhall be made of ſound well ſeaſoned timber and free of ſap, and that fit perſons be appointed from time to time in all places needful, to view and gauge all ſuch barrels; and ſuch as ſhall be found tight and of the aſſize before mentioned, ſhall be marked with the Gauger's mark, who ſhall have for his pains eight pence per ton; and every Cooper ſhall make his barrels of the aſſize aforeſaid, and ſhall ſet his diſtinct brand mark on all barrels ſo made by him, on penalty of forty ſhillings for each offence.

Coopers to make barrels of lawful ſize, on penalty of 40s.

Perſons offering to ſale, deficient barrels, forfeit the ſame, and 10s.

III. *And be it alſo enacted*, And whoſoever ſhall put to ſale any barrels new made up from old ſtuff, being deficient either in workmanſhip or timber, upon proof thereof made by one ſufficient witneſs, before any one of His Majeſty's Juſtices of the Peace, he ſhall forfeit ſuch barrels, and be fined and pay the ſum of ten ſhillings for every barrel that ſhall be ſo found defective, or ſhall ſuffer ten days impriſonment for every ſuch defective barrel. *Provided*, the ſaid impriſonment do not in the whole exceed the term of three months.

Grand Jury, at firſt Seſſions, annually, to appoint gaugers, cullers, and ſurveyors.

IV. *And be it enacted*, That the Grand Jury for each county within the province, ſhall annually at the firſt General Quarter Seſſions in the year, and before the riſing of the Court, nominate and appoint fit perſons to ſerve in ſuch towns or places where the ſame ſhall be neceſſary, as Gaugers of caſks or barrels, Cullers and Surveyors of dry and pickled fiſh, boards, ſtaves, ſhingles, clapboards, hoops, and cord wood, and ſhall report to the ſaid Court the names of the ſeveral perſons by them ſo nominated and appointed for the ſervice aforeſaid, that they may be ſworn by the ſaid Court to the due execution of their ſeveral offices, which, if any ſo nominated and appointed, ſhall refuſe, he ſhall pay the ſum of forty ſhillings, and another ſhall be nominated and appointed in the like manner in his ſtead; and failing of any theſe by miſbehaviour, death, or leaving the province, or changing the town of his reſidence, their places ſhall be filled up by a new nomination and appointment in the ſame manner at the next Quarter Seſſions, or Special Seſſions to be called for that purpoſe, under the like penalty for refuſal.

[illegible] perſon refuſing to ſerve forfeits 40s.

Gaugers not to mark defective [illegible]

V. *And be it further enacted*, That every Gauger of caſk or barrels appointed as aforeſaid, ſhall take care that ſuch caſk or barrels by him viewed and marked as aforeſaid, be agreeable

ble to the directions of this Act; and that he mark no caſk or barrels whatſoever defective in any of the above particulars, on penalty of ten ſhillings for every caſk ſo by him marked that ſhall be found defective in any of the aforeſaid reſpects.

on penalty of 10s for each caſk.

VI. *And be it enacted, for preventing of fraud and deceit in the packing of pickled Fiſh to be put to ſale*, That in every town within this province where ſuch pickled fiſh are packed for ſale, the Surveyor or Surveyors of Fiſh of ſuch town, or of the town where they are put to ſale or ſhipped, ſhall ſee that it be well and orderly performed, and that the ſaid fiſh be packed all of one kind and that all caſk or barrels ſo packed be full, and in all other reſpects anſwerable to the regulations herein ſpecified in that behalf, ſetting his brand or mark on all caſk or barrels, ſo by him examined and ſurveyed; and he ſhall receive of the owner or ſeller of ſuch fiſh, for ſurveying and marking, two pence per barrel, and four pence per mile for his travel; and if any ſuch pickled fiſh be put to ſale or ſhipped off without the Surveyor's brand or mark, they ſhall be forfeited, or the value thereof, by the ſeller or ſhipper of the ſame.

Surveyors of pickled fiſh not to mark any but ſuch as are agreeable to this Act.

Their fees.

Pickled fiſh not marked to be forfeited if offered to ſale.

VII. *And be it likewiſe enacted*, That all ſorts of green or pickled fiſh that ſhall be put up for exportation to a foreign market, ſhall be ſearched, ſurveyed, and approved by the ſworn Surveyor, who ſhall take ſtrict care that the ſame be in all reſpects agreeable to the regulations herein before ſpecified, and ſhall and may open the head of any one barrel the buyer ſhall chuſe for that purpoſe, and ſuch as ſhall be found good and merchantable the Surveyor ſhall mark with ſuch brand mark, as ſhall be aſſigned to him by the ſaid Court, and ſuch other cut mark as may denote the kind of fiſh and time when packed. And if any maſter of any ſhip or veſſel, or any officers or mariners belonging thereto, ſhall receive ſuch pickled fiſh, not marked and branded as aforeſaid, on board any of their ſhips or veſſels, he or they who ſhall offend therein ſhall forfeit double the value of all ſuch fiſh, and he or they who ſhall own ſuch fiſh ſhall forfeit the ſame, or the value thereof. And if any Cooper or other perſon ſhall ſhift any fiſh, either on board or on ſhore, after the ſame hath been ſo marked and branded by the Surveyor, and ſhip and export the ſame, the Surveyor not having allowed thereof, and marked the caſks or barrels anew, whereinto ſuch fiſh ſhall be ſhifted; all perſons acting, ordering, or aſſiſting therein, upon conviction thereof before any one of His Majeſty's Juſtices of the Peace, by the oath of one credible witneſs, for the firſt offence ſhall ſuffer ſix months impriſonment, for the ſecond nine months impriſonment, and for the third twelve months impriſonment, without bail or mainprize; and ſhall likewiſe pay double damages to the perſon wronged thereby. And if any perſon or perſons ſhall preſume to counterfeit the brand mark of any Surveyor or Gauger, or certificate of any Culler, upon due proof or conviction, he or they ſhall incur, forfeit and pay the ſum of ten pounds, and ſuffer one month's impriſonment.

Surveyors to examine ſtrictly all pickled fiſh.

Maſters of veſſels, &c. receiving pickled fiſh on board, not marked, to forfeit double the value.

Any perſon ſhifting fiſh after the ſame has been marked by the ſurveyor, to ſuffer impriſonment, for the firſt offence ſix months; for the ſecond offence, nine months, and for the third offence twelve months, and pay double damages.

Penalty 10l. for counterfeiting the ſurveyor's mark.

VIII. *And be it further enacted*, That the Culler of dry cod-fiſh thereto appointed as aforeſaid ſhall cull all ſuch dry cod-fiſh that ſhall be ſold or exported, and ſhall have one penny per quintal for every quintal of fiſh by him ſo culled, and four pence per mile for his travel, to be paid by the owner or ſeller; and ſuch Culler ſhall give a certificate under his hand ſpecifying the quantity of fiſh ſo by him culled, and the name of the owner, ſeller, or ſhipper thereof, and of the time and place where culled, and if any dry cod-fiſh ſhall be put to ſale, or ſhipped for exportation, without having been ſo culled by the Culler, or without ſuch certificate thereof as before directed, the ſame ſhall be forfeited, or the value thereof, by the ſeller or ſhipper of the ſame.

Cullers of dry cod fiſh, Their duty and fees.

If any ſuch fiſh be put to ſale or ſhipped for exportation, without the culler's certificate, the ſame to be forfeited or the value.

IX. *And be it alſo enacted*, That all boards, plank, timber and ſlit work, that ſhall be imported or brought for ſale to any town within this province, or exported from thence to any foreign market, before their delivery on ſale, ſhall be viewed, ſurveyed, and alſo meaſured, by one of the Surveyors thereto appointed, (where he ſhall have any doubt of the meaſure)

Surveyors of Lumber, their duty.

and fees.

meaſure) having conſideration for drying and ſhrinking; alſo ſhall mark anew all ſuch to the juſt contents, making allowance for rots, ſplits and wains, the ſeller to pay the officer four pence per thouſand feet for viewing only, and ſix pence per thouſand feet more for meaſuring and marking; and ſo in proportion for a leſſer quantity than a thouſand feet, and four pence per mile for his travel as aforeſaid: And no boards, plank, timber, or ſlit work, ſhall be delivered upon ſale, or ſhipped for exportation beyond ſea, before they have been viewed and ſurveyed by the Surveyor, and by him found anſwerable to the deſcription in this Act mentioned; and alſo meaſured (if occaſion be) and marked anew by one of the officers thereto appointed; on pain of being forfeited, or the value thereof, by the ſeller or ſhipper thereof.

Boards &c. delivered or ſhipped for exportation, before they are marked by the ſurveyor, to be forfeited, or the value.

X. *And be it enacted*, That all ſhingles and clapboards expoſed to ſale by quantities in bundles, that do not hold out the number they are marked for, unleſs it ſhall appear that ſome have been drawn or ſhaken out of the bundle, after packing, ſhall be forfeited; the charge of ſearching and telling to be paid thereout. That every bundle of ſhingles and clapboards that, according to the judgment of the Surveyor, will hold out eighteen inches long, four inches broad, and half an inch thick, agreeable to the dimenſions by this Act preſcribed for ſhingles, and if clapboards, five inches broad, half an inch thick at the back, and four feet four inches long, being the dimenſions by this Act preſcribed for clapboards, ſhall be accounted merchantable, all that are otherwiſe to be culled out and burnt, till what be left of ſaid bundles will bear the ſame proportions before preſcribed according to the judgment of the ſaid Surveyor, who ſhall have for his ſervice, if ſhingles, two pence per thouſand; if clapboards, two pence per thouſand ſurveying, and one penny more per thouſand telling; to be paid by the owner or ſeller, where no forfeiture is found for want of tale to ſatisfy ſuch charge, and for every thouſand he culls and binds up again, ſix pence per thouſand, and proportionably for a leſſer quantity, to be paid by the owner or ſeller of the ſaid ſhingles or clapboards, returning the remainder to the owner, if any be, after the charges are paid.

Shingles and clapboards deficient in number to be forfeited,

if deficient in quality, to be burnt.

XI. *And be it alſo enacted*, That if any boards, plank, timber or ſlit work, or any ſhingles or clapboards ſhall be expoſed for ſale, or ſhipped for exportation, without ſuch ſurvey as above directed, had before the delivery thereof; the whole of ſuch boards, plank, timber, ſlit work, ſhingles or clapboards, or the value thereof, ſhall be forfeited by the ſeller or ſhipper.

All boards, &c. expoſed to ſale or ſhipped for exportation, without ſurvey, to be forfeited, or the value, by the ſeller or ſhipper.

XII. *And be it further enacted*, That all hogſhead ſtaves, barrel ſtaves, hogſhead hoops, and barrel hoops, that ſhall be imported or brought for ſale to any town within this province, or exported from thence to any foreign market, before their delivery on ſale ſhall be viewed and ſurveyed by one of the Surveyors thereto appointed, who ſhall take ſtrict care that the ſame be ſeverally conformable to the directions of this Act; and that all ſtaves and hoops, that according to the judgment of the ſaid Surveyor, ſhall be agreeable to the directions of this Act, and none other ſhall be accounted merchantable, and all that ſhall be found otherwiſe to be culled out and burnt, till what be left will bear the ſeveral proportions by this Act preſcribed, according to the judgment of the ſaid Surveyor, who ſhall have for his ſervice, if ſtaves, ſix pence per thouſand, if hoops, three pence per thouſand, to be paid by the ſeller.

Hogſhead ſtaves, hogſhead hoops, &c. deficient in quality to be burnt.

XIII. *And be it alſo enacted*, That all hoops expoſed to ſale by quantities, in bundles, that do not hold out the number that they are ſo expoſed to ſale for, unleſs it appears that ſome are drawn or ſhaken out of the bundle after packing, ſhall be forfeited; the charge of ſurveying three pence per thouſand, and three pence per thouſand telling, and ſo in proportion for a leſſer quantity, being paid thereout. And if any ſtaves or hoops ſhall be delivered upon ſale or ſhipped for exportation to any foreign market, before they have been ſurveyed by the ſurveyor, and by him found to anſwer the deſcriptions in this Act mentioned, the ſame ſhall be forfeited, or the value thereof, by the ſeller or ſhipper thereof.

Staves and hoops delivered upon ſale, or ſhipped for exportat on, not ſurveyed, to be forfeited or the value, by the ſeller or ſhipper.

XIV. *And be it further enacted*, That all cord wood expoſed to ſale, ſhall on the ſale, and before

fore the delivery thereof, be ſurveyed by the officer for that purpoſe appointed, who ſhall meaſure the ſame, and take care that each cord do anſwer the qualifications by this Act required; and he ſhall receive of the ſeller for each ſurvey and examination, two pence per cord and no more; and if any cord wood ſhall be ſold and delivered without ſuch ſurvey, the ſame ſhall be forfeited, or the value thereof, by the ſeller.

Cord wood ſold, before it be ſurveyed, to be forfeited or the value, by the ſeller.

XV. *And be it further enacted*, That if any perſon ſhall refuſe to ſatisfy the officer or officers by this Act appointed, his fees before mentioned, he ſhall have power to detain ſo much of the commodity as will make him ſatisfaction for his fees and travel aforeſaid: *Provided*, that ſuch fees do not exceed the ſum of twenty ſhillings, and in caſe the ſame ſhall exceed the ſum of twenty ſhillings, then to be levied by warrant of diſtreſs and ſale of the offender's goods and chattels, under the hand and ſeal of any one of His Majeſty's Juſtices of the Peace, the ſurplus, if any be, after paying the officer's fees and charges of diſtreſs and ſale, to be returned to the owner of the ſaid goods.

Surveyors may on refuſal of payment, detain as much of the commodity as will pay his fees, if under 20s. if above, to be levied by warrant of diſtreſs from a Juſtice of the Peace.

XVI. *And be it further enacted*, That an oath ſhall be adminiſtred to the ſeveral officers that ſhall be choſen to gauge, ſurvey and ſearch the ſeveral articles in this Act mentioned, in the following form, viz.

Officers to be ſworn.

YOU *ſwear, that you will from time to time diligently and faithfully diſcharge and execute the office of* ——— *within the limits, whereto you are appointed, for the enſuing year, and until another be choſen in your place; and that in and by all the particulars mentioned in the laws whereto your office hath relation; and that you will do therein impartially according to law, without fear or favour.*—So help you GOD.

Their oath.

XVII. *And be it likewiſe enacted*, That all fines, penalties, and forfeitures ariſing by force and virtue of this Act, ſhall be one half to his Majeſty, towards the ſupport of his Majeſty's government of this province, and the other half to him or to them that ſhall inform or ſue for the ſame; to be recovered in manner following, (That is to ſay) where the forfeiture or value thereof ſhall not exceed the ſum of twenty ſhillings, the ſame to be recoverable before any one of his Majeſty's Juſtices of the peace, by oath of one credible witneſs, to be levied by warrant of diſtreſs and ſale of the offender's goods and chattels, under the hand and ſeal of ſuch Juſtice, and for want of ſufficient diſtreſs, ſuch offender to ſuffer twenty days impriſonment; and where the forfeiture or value ſhall amount to above twenty ſhillings, but ſhall not exceed the ſum of three pounds, then the ſame to be recoverable before any two of his Majeſty's ſaid Juſtices of the Peace upon the like proof as above, and to be levied by like warrant under the hands and ſeals of ſuch Juſtices, and for want of ſufficient diſtreſs the offender to ſuffer ſixty days impriſonment; and in caſe ſuch forfeiture or the value thereof ſhall exceed three pounds, the ſame to be recoverable by him or them who ſhall inform or ſue for the ſame, in any of his Majeſty's Courts of Record in this province.

Penalties, and forfeitures, how to be levied and applied.

XVIII. *And be it enacted*, That this Act be read and publiſhed once every year, at the opening of the firſt Courts of General Quarter Seſſions of the Peace for the ſeveral counties within this province.

Act to be read once a year, at the Quarter Seſſions in each county.

CAP. IX.

An ACT in addition to, and amendment of, and for further prolonging an Act made and paſſed in the firſt year of His Majeſty's Reign, entitled, An Act for ſuppreſſing Unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be Licenſed.

Expired.

CAP.

CAP. X.

Expired. An ACT to prohibit for a limited time, the exportation of warlike Stores.

CAP. XI.

Expired. An ACT, for continuing an Act, made and paſſed in the Thirty Third Year of His late Majeſty's Reign, entitled, 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, 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, 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.*

* In the time of Jonathan Belcher, as Preſident of the Council, Governor, John Collier, Speaker of the Council, William Nethit, Speaker of the Aſſembly, John Duport, Secretary of Council, Archibald Hinſhelwood, and Iſaac Deſchamps, Clerks of Aſſembly.

CAP. I.

Executed. An ACT for the relief of the Poor in the Town of Halifax.

CAP. II.

Repealed by His Majeſt, in Council. An ACT for regulating the proceedings of the Courts of Judicature.

CAP.

CAP. III.

An ACT to prevent Frauds in the ſelling of Beef, Pork, Flour, and Biſcuit, or Ship Bread in Caſks.

Acts in amendment or alteration of this Act, 4th. and 5th. Geo. 3d. cap. 42. 29th. Geo. 3d. cap. 10.

[The firſt clauſe being repealed by 4th. and 5th. Geo. 3d. cap. 4. and the repeal confirmed by His Majeſty in Council, it is not re-printed.]

II. *And be it alſo enacted*, That from and after the publication hereof all flour, biſcuit, or ſhip bread, that ſhall be ſold, bartered, or exchanged within this province, ſhall be ſo ſold, bartered, or exchanged by weight only, and in no other way or manner whatſoever.

Flour and biſcuit to be ſold by weight.

III. *And be it further enacted*, That no perſon or perſons whatſoever ſhall hereafter preſume to ſell, barter, or exchange any flour, biſcuit, or ſhip bread, by the caſk, or in any other manner whatſoever, other than by weight as above directed, on pain of forfeiting all ſuch flour, biſcuit, or ſhip bread, ſo ſold, bartered or exchanged, contrary to the intent and meaning of this Act: And every perſon or perſons offending herein and being convicted thereof, ſhall alſo further forfeit and pay the ſum of twenty ſhillings for every hundred weight, and ſo in proportion for a greater or leſs quantity of ſuch flour, biſcuit, or ſhip bread, ſo ſold, bartered or exchanged; to be recovered, together with coſts of proſecution, on the oath of one credible witneſs, before any two of his Majeſty's Juſtices of the Peace for the county where the offence ſhall be committed.

If ſold in any other manner, to be forfeited.

and the offender to forfeit 20s. for every cwt.

Conviction before two Juſtice.

IV. *And be it further enacted*, That all forfeitures and penalties incurred and ariſing by this Act ſhall be applied and diſpoſed of in manner following, (that is to ſay) all flour, biſcuit or ſhip bread, which ſhall be forfeited by virtue of this Act, ſhall be applied to the uſe of the poor of the town or place where the offence ſhall be committed; and all and every other penalties incurred by this Act, ſhall be applied to the uſe of the perſon or perſons who ſhall inform and ſue for the ſame.

Application of forfeitures and penalties.

V. *Provided always*, That all proſecutions to be brought by virtue of this Act, ſhall be commenced within ten days after the offence committed.

Proſecution to be within ten days.

CAP. IV.

An ACT in further addition to, and amendment of an Act, entitled an Act for ſuppreſſing unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be licenſed.

Expired.

CAP. V.

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.

Expired.

CAP.

CAP. VI.

Expired.

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.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Firſt Day of July, Anno Domini 1761, 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, 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.*

* In the time of Montague Wilmot, Governor, Jonathan Belcher, Chief Juſtice, and Preſident of Council, William Neſbitt, Speaker of the Aſſembly, John Duport and Richard Bulkeley, Clerks of Council, Archibald Hinſhelwood and Iſaac Deſchamps, Clerks of Aſſembly.

CAP. I.

For Acts in addition to or amendment of this Act, ſee 34th Geo. 2d. cap. 7.

An ACT in addition to and amendment of an Act, entitled, An Act for appointing Commiſſioners of Sewers, made and paſſed in the 34th year of His late Majeſty's Reign.

Preamble.

WHEREAS *it has been repreſented, that the Commiſſioners of Sewers appointed by an Act, entitled,* An Act for appointing Commiſſioners of Sewers, made and paſſed in the thirty fourth year of His late Majeſty's Reign, *are not ſufficiently impowered by the ſaid Act to recover from the ſeveral perſons neglecting or refuſing to make payment of his, her, or their parts or proportions of the ſums ſet, and aſſeſſed by the ſaid commiſſioners for the repairing or making the dykes, and drains neceſſary, for the preſervation of the lands thereby rendered profitable; Be it therefore enacted by the Lieutenant-Governor, Council and Aſſembly,* That upon complaint being made on oath, before any one of His Majeſty's Juſtices of the Peace, for the county, where ſuch complaint lies, by the collector or collectors appointed by the commiſſioners of ſewers, for the collecting or gathering the aſſeſſments made by the ſaid commiſſioners, the ſaid Juſtice, upon ſuch complaint is hereby impowered and authoriſed, to grant a warrant under his hand and ſeal, directed to any one of the conſtables for the ſaid county, to levy of and from the goods and chattels of ſuch perſon or perſons ſo neglecting or refuſing to pay his, her, or their part or proportion of

Juſtices impowered to grant warrants for levying aſſeſſments on the Goods, &c. of ſuch as refuſe to pay.

ſuch

such assessment, by distress and sale of the said goods and chattels, the full sum so assessed with costs for prosecuting the same, which costs shall not exceed the sum of five shillings, and for want of goods and chattels to apprehend the bodies of all such delinquents, and commit them to safe custody, till full satisfaction and payment be made as aforesaid. with Five Shillings costs.

II. *And be it further enacted*, That if any proprietor or proprietors of the lands so dyked in, or drained, are absent, and no person appearing in their behalf, and have not any goods or chattels to answer his, her, or their dividend or proportion of such assessment made as aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace for the county where such lands lie, to let out any part of such delinquents lands, that may be sufficient to pay by the produce of the same, any such dividend or proportion of the sum so due. Absentee's lands to be let for the payment of the Assessment.

CAP. II.

An ACT to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province.

Acts in amendment of, or addition to this Act, 6th Geo. 3d. cap. 1. 15th & 16th Geo. 3d cap. 10. 18th Geo. 3d, c p. 4. 26th Geo. 3d, 2d session, cap. 7.

WHEREAS *the erecting or setting up hedges, wears, fishgarths, or other incumbrances, or placing seines across any river to stop, obstruct, or straiten the natural course and passage of fish in their seasons for spawning, must be very detrimental, and may entirely destroy the salmon, bas, shad, ailwive, and gaspero fishery, which the new settlers in general depend on in a great measure for their subsistence*; Therefore in order to preserve that valuable support to the inhabitants of this province: *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the Justices in their first General Quarter Sessions held in each county, annually, shall and are hereby impowered and directed to make rules and orders for the regulation of the river fishery in their respective counties, as they from time to time shall find necessary for the preservation thereof. Preamble. River fishery to be regulated by the Justices in their quarter sessions.

II. *And it is hereby further enacted*, That if any person or persons shall presume to erect or set up any hedge, wear, fishgarth, or other incumbrance, or place any seine or seines across any river in this province, contrary to the rules and regulations so fixed on, and established by the Justices in their said General Quarter Sessions annually, such person or persons shall upon due conviction thereof forfeit and pay the sum of ten pounds, one half of which shall be for the informer, and the other half for the poor of the township, where the offence shall be committed, to be recovered by action, bill, plaint or information in any of His Majesty's Courts of Record. Persons transgressing these regulations to forfeit £.10. One half to the informer, the other to the poor.

III. This Act to continue, and be in force for the space of two years from the publication hereof, and until the end of the Session then next following. Act to continue two years.

CAP. III.

An ACT to enable Proprietors of Lands to assess and discharge the expence which has accrued upon dividing their Lands, by virtue of a former Law of this Province.

This Act was made after the Act of the 33d. Geo. 2d, 2d session, cap. 5, had been repealed by his Majesty in Council, and having only for its object to enable persons who had acted under that act, while in force, to recover their expence, it has long since been executed and therefore only the title is now printed.

CAP. IV.

This Act has been executed, and the money borrowed repaid.

An ACT to impower the Province Treaſurer to borrow a ſum, not exceeding the ſum of Four Thouſand Pounds, for paying off Bounties, Premiums, and other Debts payable by the Laws of this Province.

CAP. V.

An ACT for the relief of Inſolvent Debtors.

Perſons charged in execution may apply by petition, to the Court from whence the proceſs iſſued, or two Juſtices in vacation, to be diſcharged.

BE *it enacted by the Honorable the Lieutenant-Governor, Council and Aſſembly*, That from and after the end of this preſent Seſſion, if any perſon or perſons now charged, or who ſhall or may hereafter be charged in execution for any ſum or ſums of money, and ſhall be minded to deliver up to his, her, or their creditors, all his, her, or their effects, towards the ſatisfaction of the debts, wherewith he, ſhe, or they ſtand charged, it ſhall and may be lawful to and for ſuch priſoner to exhibit a petition to any of the Courts of Law within the ſaid province, or during the intervals of the ſittings of ſuch Courts, to any two of the Juſtices of any ſuch Courts, from whence the proceſs iſſued, upon which he, ſhe, or they was or were taken or charged in execution, certifying the cauſe or cauſes of his, her, or their impriſonment, and an account of his, her, or their whole real or perſonal eſtate, with the dates of the ſecurities wherein any part of it conſiſts, and the deeds or notes relating thereto, and the names of the witneſſes thereto, as far as his, her or their knowledge extends therein; and upon ſuch petition the ſaid Court or the ſaid two Juſtices may, and are hereby required by order or rule of the ſaid Court, or by order under the hands and ſeals of the ſaid two Juſtices, to cauſe the ſaid priſoner to be brought up to the ſaid Court, or before them the ſaid two Juſtices, and the ſeveral creditors at whoſe ſuit he, ſhe, or they ſtand charged as aforeſaid, to be ſummoned to appear perſonally, or by their attorney in the ſaid Court, or before them the ſaid two Juſtices, at a day to be appointed for that purpoſe; and upon the day of ſuch appearance, if any of the creditors ſummoned refuſe or neglect to appear, upon affidavit of the due ſervice of ſuch rule or order of the ſaid Court, or order of the ſaid two Juſtices, the ſaid Court, or the ſaid two Juſtices, ſhall and may, in a ſummary way, examine into the matter of ſuch petition, and hear what can or ſhall be alledged on either ſide, for or againſt the diſcharge of ſuch priſoner, and upon ſuch examination the ſaid Court or the ſaid two Juſtices may and are hereby required to adminiſter or tender to the priſoner, an oath to the effect following, which oath the ſaid Court, or the ſaid two Juſtices are hereby impowered to adminiſter.

on giving an account of their real and perſonal eſtate.

The Court or Juſtices to make an order to call the creditors before them.

If creditors fail to appear, the the Court or Juſtices may examine into the matter of the petition,

and tender an oath to the priſoner.

I A. B. *do ſolemnly ſwear in the preſence of Almighty God, that the account by me delivered into in my petition to*

The oath.

doth contain a true and full account of all my real and perſonal eſtate, debts, credits, and effects whatſoever, which I, or any in truſt for me, have, or at the time of my ſaid petition had, or am, or was, in any reſpect entitled to in poſſeſſion, remainder or reverſion (except the wearing apparel and bedding for me or my family, and the tools or inſtruments of my trade or calling, not exceeding ten pounds in the whole) and that I have not at any time ſince my impriſonment or before, directly or indirectly, ſold, leaſed, aſſigned or otherwiſe diſpoſed of, or made over in truſt for myſelf, or otherwiſe, other than as mentioned in ſuch account, any part of my lands, eſtate, goods, ſtock, money, debts, or other real or perſonal eſtate, whereby to have or expect any benefit or profit to myſelf, or to defraud any of my creditors, to whom I am indebted.—So help me God.

II.

II. *And be it further enacted*, That in caſe the ſaid priſoner ſhall in open Court, or before the ſaid two Juſtices, take the ſaid oath, and upon ſuch examination and his or her taking the ſaid oath, the creditors ſhall be ſatisfied with the truth thereof, the ſaid Court or the ſaid two Juſtices may immediately order the lands, goods, or effects contained in ſuch account, or ſo much of them as may be ſufficient to ſatisfy the debts, wherewith he, or ſhe is or ſhall be charged, and the fees due to the Provoſt Marſhal of the ſaid province, and the keeper of the goal or priſon from which the priſoner was brought, to be by a ſhort endorſement on the back of the ſaid petition, ſigned by the priſoner, aſſigned to the ſaid creditors, or to one or more of them, in truſt for the reſt of the ſaid creditors, and by ſuch aſſignment, the eſtate, intereſt and property of the lands, goods, debts, and effects ſo aſſigned, ſhall be veſted in the perſon or perſons to whom ſuch aſſignment is or ſhall be made, who may take poſſeſſion of, or ſue for the ſame in his, or their own name or names in like manner as aſſignees of commiſſioners of bankrupts, to which ſuit no releaſe of the priſoner, his, or her executors, or adminiſtrators, or any truſtees for him or her, ſubſequent to ſuch aſſignment, ſhall be any bar; and immediately upon ſuch aſſignment executed, the ſaid priſoner ſhall be diſcharged out of cuſtody by order of the ſaid Court, or of the ſaid two Juſtices, and ſuch order ſhall be a ſufficient warrant to the Provoſt Marſhal, Gaoler, or keeper of ſuch priſon, to diſcharge the ſaid priſoner, if detained for the cauſes mentioned in ſuch petition and no other; and he is hereby required to diſcharge and ſet him, or her at liberty forthwith without fee: nor ſhall ſuch Provoſt Marſhal, or Goaler be liable to any action of eſcape or other ſuit or information upon that account, and the perſon or perſons to whom the ſaid effects ſhall be aſſigned, paying the fees to ſaid Provoſt Marſhal, Goaler or keeper of the priſon, in whoſe cuſtody the party diſcharged was, ſhall and are hereby required to divide the effects ſo aſſigned among themſelves and all the perſons for whom they ſhall be intruſted, in proportion to their reſpective debts; but in caſe the perſon or perſons at whoſe ſuit ſuch priſoner was charged in execution, or any of them, ſhall not be ſatisfied with the truth of the oath of ſuch priſoner before the two Juſtices aforeſaid, and ſhall deſire further time to inform himſelf or herſelf of the matters contained therein, and ſhall inſiſt upon his, or her, being detained longer in priſon, at his or their ſuit, then the ſaid Juſtices ſhall and may remand the ſaid priſoner, and direct the ſaid priſoner, and the perſon or perſons diſſatisfied with ſuch oath, to appear before the Court whence the proceſs iſſued as aforeſaid, at a certain day during the ſitting of the ſaid Court then next following ſuch examination, and to be by them at that time appointed, for the further examination of the matters contained in the ſaid oath; provided the ſaid perſon or perſons ſo diſſatisfied, do agree by writing under his or their hands, to ſupply and allow weekly the full quantity of eight pounds of good and wholeſome biſcuit bread per week unto the ſaid priſoner, to be ſo ſupplied and allowed the firſt day of every week from and after the time of ſuch priſoner's being ſo remanded, until the ſaid day ſo appointed for the further examination of the truth of the matters contained in the aforeſaid oath before the ſaid Court as aforeſaid; on failure of the ſupplying of which weekly allowance at any time, the ſaid priſoner ſhall forthwith upon application to the ſaid Court, or to the ſaid two Juſtices, be diſcharged by ſuch order as aforeſaid; but in caſe the ſaid priſoner ſhall refuſe to take the oath before the ſaid two Juſtices, or having taken the ſame, ſhall be detected of falſity therein, he or ſhe ſhall be preſently remanded.

If the creditors are ſatisfied of the truth of the priſoner's oath, the Court or Juſtices may order the lands, &c. to be aſſigned to creditors,

and the priſoner to be diſcharged.

Priſoner's lands, &c. to be divided among the creditors.

If creditors are not ſatisfied of the truth of the priſoner's oath, before the two Juſtices; the priſoner to be remanded, and the matter further enquired by the Court,

and ſuch creditors to allow the priſoner eight pounds of biſcuit per week, in the mean time, on failure whereof the priſoner to be diſcharged.

III. *And be it alſo enacted*, That ſuch judgment, relief, and directions by the ſaid two Juſtices, ſo to be given as aforeſaid, ſhall be as good and effectual to all intents and purpoſes, as if the ſame had been made in the Court out of which the proceſs iſſued, on which ſuch priſoner was taken in execution; and the like proceedings ſhall be had thereupon, and a record of ſuch judgment ſhall be made up in the ſame form, and returned, and [illegible] under the hands of ſuch two Juſtices before whom it ſhall be made, unto the court from whence the proceſs

Proceedings of the Two Juſtices to be effectual, and a record thereof to be made and returned to the Court.

proceſs on which ſuch priſoner was taken in execution iſſued, to be a record of the ſaid Court, and to be kept as ſuch amongſt the records there.

If upon the priſoner's appearing before the Court, the creditors ſhall not appear, or ſhew a probability, that the priſoner is forſworn, &c. the priſoner to be diſcharged, unleſs the creditor inſiſt on his being longer detained, and agree to the weekly allowance of bread,

IV. *And be it further enacted*, That if on the appearance of ſuch priſoner or priſoners before the ſaid Court as aforeſaid, at ſuch ſecond day ſo to be appointed by the ſaid two Juſtices, the creditor or creditors of ſuch priſoner or priſoners diſſatisfied with the truth of ſuch oath, before the ſaid two Juſtices, ſhall make default in appearing; or in caſe he, ſhe, or they ſhall appear, but ſhall be unable to diſcover any eſtate or effects of the priſoner omitted in ſuch his, or her petition, or to ſhew any probability of his, or her, having been forſworn in the ſaid oath, then the ſaid Court ſhall immediately cauſe the ſaid priſoner to be diſcharged upon ſuch aſſignment of his, or her effects, in manner as aforeſaid, unleſs ſuch creditor or creditors do inſiſt upon his, or her, being detained longer in priſon at their ſuit, and do agree by writing under his, her or their hands, to ſupply and allow weekly the full quantity of eight pounds of good wholeſome biſcuit bread per week, unto the ſaid priſoner, to be ſupplied and allowed the firſt day of every week, ſo long as he, or ſhe ſhall continue in priſon at his, her, or their ſuit as aforeſaid; on failure of the ſupply of which weekly allowance at any time, the priſoner ſhall forthwith, upon application to the ſaid Court, or during the interval of ſuch Court's ſitting, to the ſaid two Juſtices, be diſcharged by ſuch order as aforeſaid.

on failure whereof, the priſoner to be diſcharged.

Proceedings when the priſoner petitions during the ſitting of the Court.

V. *And be it enacted*, That in caſe on the appearance of the ſaid priſoner, before any of the ſaid Courts of Law in this province, on his petition to them at any time during their ſitting, preferred as aforeſaid, the perſon or perſons at whoſe ſuit ſuch priſoner was charged in execution, or any of them, ſhall not be ſatisfied with the truth of the ſaid priſoner's oath, at that time made, but ſhall deſire further time to inform himſelf, or herſelf, of the matters contained therein, the ſaid Court may and ſhall remand the ſaid priſoner, and direct the ſaid priſoner, and the perſon or perſons diſſatisfied with ſuch oath, to appear at another day to be appointed by the ſaid Court ſometime within and during their then preſent ſeſſions, for that purpoſe; ſubject in the mean time and until ſuch ſecond day, to the ſame allowance to the ſaid priſoner, by ſuch perſon or perſons ſo diſſatisfied with the ſaid priſoner's oath, and liable to the like diſcharge in caſe of default of ſuch allowance as is herein before directed, upon application to the ſaid two Juſtices as aforeſaid: And if at ſuch ſecond day ſo to be appointed, the creditor or creditors diſſatisfied with ſuch oath, ſhall make default in appearing, or in caſe he, ſhe, or they ſhall appear, but ſhall be unable to diſcover any eſtate or effects of the priſoner, omitted in ſuch his or her petition, or to ſhew any probability of his, or her having been forſworn in the ſaid oath, then the ſaid Court ſhall immediately cauſe the ſaid priſoner to be diſcharged, upon ſuch aſſignment of his, or her effects in manner as aforeſaid, unleſs ſuch creditor or creditors do inſiſt upon his, or her, being longer detained in priſon at their ſuit, and do agree by writing under his, her, or their hands, to ſupply and allow weekly the quantity of eight pounds of good and wholeſome biſcuit bread per week, unto the ſaid priſoner, to be ſupplied and allowed the firſt day of every week, ſo long as he, or ſhe, ſhall continue in goal, at his, her, or their ſuit; on failure of the ſupplying of which weekly allowance at any time, the ſaid priſoner ſhall forthwith upon application to the Court, or during the interval of ſuch Court's ſittings, to any two Juſtices of the ſaid Court, be diſcharged by ſuch order as aforeſaid; but in caſe the ſaid priſoner ſhall refuſe to take the ſaid oath, or having taken the ſame, ſhall be detected of falſity therein, he or ſhe ſhall be preſently remanded.

Time limited for priſoners to preſent their petitions.

VI. *And to prevent perſons who may be charged in execution from lying in priſon, until they have ſpent their ſubſtance wherewith they ſhould ſatisfy their creditors, and afterwards taking the benefit of this Act, where they have nothing left to deliver up to their creditors; it is hereby enacted*, That no perſon charged or to be charged in execution, excepting thoſe already in goal, ſhall be allowed or permitted to exhibit a petition to any of the Courts of Law in this province, or

to

to any of the ſaid two Juſtices of ſuch Courts, from whence the proceſs iſſued as is before provided, unleſs ſuch petition be exhibited, if before the Court, within ten days next after the firſt meeting of the ſaid Court which ſhall be next after ſuch perſon ſhall be ſo charged in execution, and if before the ſaid two Juſtices, within fourteen days next after ſuch perſon ſhall be ſo charged in execution:

Though priſoner's perſon be diſcharged, his lands, &c to be always liable.

VII. *Provided always*, That though the perſons of the debtor or debtors ſo diſcharged, ſhall never after be arreſted for the ſame debt or debts, yet notwithſtanding ſuch diſcharge the judgment againſt him, or her, ſhall ſtand and remain in force, and execution may be taken out thereon againſt his, or her lands, tenements, or hereditaments, goods, and chattels, (his, or her wearing apparel, bedding for him, or herſelf and family, and neceſſary tools for the uſe of his or her trade or occupation excepted) in the ſame manner as if he, or ſhe, had never been taken in execution for the ſaid debt.

If priſoner afterwards be convicted of perjury in ſaid oath, he ſhall ſuffer all the pains of wilful perjury,

and may be taken *de novo*, and charged again in execution for the ſaid debt.

VIII. *Provided alſo*, That if any perſon who ſhall take ſuch Oath as aforeſaid, before the ſaid two Juſtices, or before the ſaid Court as aforeſaid, ſhall upon any indictment for perjury, in any matter or particular contained in the ſaid oath, be convicted by his, or her own confeſſion, or by verdict of twelve men, as he, or ſhe may be by force of this Act, the perſon ſo convicted ſhall ſuffer all the pains and forfeitures which by law be inflicted on any perſon convicted of wilful perjury, and ſhall be liable to be taken upon any proceſs *de novo*, and charged in execution for the ſaid debt, in the ſame manner as if he, or ſhe, had never been diſcharged or taken in execution before, and ſhall never afterwards have the benefit of this Act.

Provoſt Marſhal or Goaler to come in as a creditor for their fees.

IX. *Provided alſo*, That if the effects ſo aſſigned, ſhall not extend to ſatisfy the whole debts due to the perſons at whoſe ſuit he or ſhe was charged, and the fees due to the ſaid provoſt marſhal or goaler, there ſhall be an abatement in proportion; and ſuch provoſt marſhal or goaler ſhall come in as a creditor, for what ſhall be then due to him for his fees, in proportion with the creditors at whoſe ſuit he or ſhe was charged in execution.

Provoſt Marſhal &c. offending againſt this Act, forfeits 50l.

X. *And be it likewiſe enacted*, That every provoſt marſhal or his deputy, bailiff, or other officer or miniſter aforeſaid, offending againſt this Act, ſhall (over and above ſuch penalties or puniſhments as he ſhall be liable unto, by the law now in force) for every offence againſt this preſent Act, forfeit and pay to the party thereby grieved, the ſum of fifty pounds, to be recovered with treble coſts of ſuit, by action of debt, bill, plaint, or information, in any of the Courts of Law within this province, wherein no eſſoign, protection, or wager of law or more than one imparlance ſhall be allowed.

Quaker's affirmation to be taken inſtead of an oath.

XI. *And be it enacted*, That in caſes wherein by this Act an oath is required, the ſolemn affirmation of any perſon being a quaker, ſhall and may be accepted and taken in lieu thereof, and every perſon making ſuch affirmation, who ſhall be convicted of wilful and falſe affirming, ſhall incur and ſuffer ſuch and the ſame pains, penalties and forfeitures, as are inflicted and impoſed by the laws and ſtatutes now in force, upon perſons convicted of wilful and corrupt perjury.

No debtor to be diſcharged, whoſe debts exceed 100l.

Act ſuſpended till His Majeſty's pleaſure be known.

XII. *Provided nevertheleſs*, That nothing in this Act contained, ſhall extend or be conſtrued to extend, to diſcharge any debtor impriſoned, the whole amount of whoſe debts ſhall exceed the ſum of one hundred pounds; nor that this Act ſhall be in force, till His Majeſty's pleaſure be known therein.

Confirmed by His Majeſty in Council.

CAP. VI.

Repealed by His Majeſty in Council.

An ACT, in addition to an Act, entitled, An Act for regulating the proceedings of the Courts of Judicature.

CAP.

CAP. VII.

An ACT to enable the Inhabitants of the ſeveral Townſhips within this Province, to maintain their Poor.

Acts in amendment, addition or alteration of this Act. 7th. Geo. 3d. cap. 3. 8th. Geo. 3d. cap. 5. 8th. and 9th. Geo. 3d. cap. 1. 10th. Geo. 3d. cap. 1. and 2. 12th. Geo 3d. cap. 6. 16th. Geo. 3d. cap. 1. 17th. Geo. 3d. cap. 5. 31ſt. Geo. 3d. cap. 2. 32d. Geo. 3d. cap. 5. 41ſt. Geo. 3d. cap. 6. and Revenue Acts, 29th. Geo. 3d. and 34th. Geo. 3d. ſee alſo 33d. Geo. 3d. cap. 1. 3d. and 4th. Geo. 3d. cap. 9. 32d. Geo. 3d. cap. 5. and 42d. Geo. 3d. cap. 6.

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That from and after the publication hereof, it ſhall and may be lawful for the freeholders of any townſhip within this province, where there are fifty or more families, freeholders, reſident, to meet on the firſt Monday in January, annually, previous notice being given by the conſtables of ſuch townſhips reſpectively (who are hereby required to notify the ſame to the freeholders of each townſhip, at leaſt ten days before the time of meeting) of the time and place of meeting in ſuch townſhip, at which meeting of the ſaid freeholders then and there held, a chairman being firſt choſen, the freeholders ſhall proceed to chooſe twelve inhabitants of the ſaid townſhip, any nine of which to be a *quorum*; who are hereby impowered to aſſeſs the inhabitants of ſaid townſhip for ſuch ſum, as ſhall be granted by the ſaid freeholders for the relief of their poor.

Aſſeſſors to aſſeſs the freeholders in equal proportions, who ſhall pay the ſame to the Collector, on refuſal or neglect, the ſame to be levied by warrant of diſtreſs from one Juſtice

II. *And be it further enacted*, That the ſaid freeholders in ſuch their annual meeting, ſhall be and are hereby impowered to vote ſuch ſums of money as they ſhall judge neceſſary for the current year to ſupport and maintain their poor.

III. *And be it alſo further enacted*, That the twelve inhabitants ſo elected in the meeting annually, or any nine of them, ſhall be, and are hereby impowered to aſſeſs the freeholders, and other inhabitants, in juſt and equal proportion as near as may be, for the monies voted as aforeſaid; and each particular perſon being aſſeſſed according to his known eſtate, either real or perſonal, for the purpoſe aforeſaid, ſhall pay the ſame to ſuch perſon or perſons as ſhall be appointed to collect and receive the ſame, by the ſaid elected inhabitants, or any nine of them and if any perſon ſo aſſeſſed, ſhall refuſe or neglect to pay ſaid aſſeſſment, the ſame ſhall and may be levied by warrant of diſtreſs from any one of His Majeſty's Juſtices of the Peace of the townſhip, or county wherein ſuch perſon ſhall reſide.

Perſons aggrieved may appeal to the next Seſſions.

IV. *Provided nevertheleſs*, That if any perſon ſhall think himſelf over rated, he may appeal for redreſs to the next General Seſſions of the Peace of the ſaid County, and the Juſtices thereof are hereby required and impowered to examine, hear, and determine all and every ſuch appeal or complaint, and to give redreſs as they in their judgment ſhall think equitable, and ſuch their order and judgment ſhall be final and bind all parties.

Collector to account with and pay to the overſeers of the poor, once in three months, all monies by him received.
On Refuſal, &c.

V. *And be it enacted*, That the perſon or perſons appointed to collect the aſſeſſments aforeſaid, ſhall, once in three months, account with and pay into the hands of the overſeers of the poor of ſaid townſhip, all ſuch ſums of money as he or they may have received, and upon his or their neglect or refuſal to account and pay in the ſame as aforeſaid, ſuch perſon or perſons ſhall and may be proſecuted by the overſeers of the poor for the time being, by bill, plaint, or information, in any of His Majeſty's Courts of Record within this province.

Overſeers of the poor, to apply the money to the uſes o the poor, and pay any ſurplus in their hands to their ſucceſſors.

VI. *And be it alſo enacted*, That the overſeers of the poor of each townſhip reſpectively, ſhall diſpoſe of the monies voted and received for the purpoſe before mentioned only, and they are hereby required and directed to render an account thereof to their ſucceſſors, and to pay into their hands any ſurplus of money, that may remain in their hands not diſtributed.

Perſons refuſing to ſerve as aſſeſſor or collector, forfeit 40s.

VII. *And be it further enacted*, That if any of the twelve inhabitants choſen at the annual meeting as aforeſaid, to make the aſſeſſment aforeſaid, or the perſon or perſons appointed to collect the ſame, ſhall refuſe to ſerve in their reſpective offices, each perſon ſo refuſing ſhall forfeit and pay to the overſeers of the poor, for the uſe of the poor of ſaid townſhip, the ſum of forty ſhillings.

CAP.

CAP. VIII.

An ACT to explain and amend an Act, made and passed in the thirty-second year of His late Majesty's Reign, entitled, An Act for making Lands and Tenements liable to the payment of debts.

For Acts that alter or amend this Act, see 32d. Geo. 2d. cap. 15.

Preamble.

WHEREAS *in the first Clause of an Act made and passed in the thirty-second year of His late Majesty's reign, entitled,* An Act for making Lands and Tenements liable to the payment of debts, *it is, among other things, enacted,* 'That the person or persons in possession of any 'lands and tenements on which the provost marshal, or his deputy, shall extend the execution 'of any judgment on the rents only, and shall cause the person or persons in possession, whe-'ther debtor or debtors, or their tenant or tenants, to attorn and become tenants to such 'creditor or creditors:' *And whereas many doubts have arisen concerning such debtor or debtors, or persons in possession, refusing to attorn and become tenants, and neglecting or refusing to pay the rents as the same become due; Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That every such debtor or debtors, or persons in possession of the premises, on which execution shall be extended, who shall refuse to attorn as tenants to the creditor or creditors, at the rent fixed by the appraisers; or shall neglect or refuse to pay the rent as it becomes due, then and in either of these cases, the person or persons in possession of the said lands or tenements, shall be deemed as guilty of a wrongful detainer, and shall and may be prosecuted as is directed in and by an Act made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act directing the proceedings against forcible entry or detainer.

Debtors refusing to attorn as tenants to the creditor, may be proceeded against according to the Act against forcible entry or detainer. 32d. Geo. 2d. cap. 3.

II. *And whereas in the second clause of the before recited Act, it is, among other things, enacted,* 'That the provost marshal, or his deputy, shall immediately deliver seizin and possession to 'such creditor or creditors, of all lands and tenements, the yearly rents of which shall not be 'sufficient to satisfy the debt, cost, and interest, together with the charge of needful repairs, 'and cause the person or persons, in possession or improvement thereof, to attorn and become 'tenants to such creditor or creditors, and pay their rent to him or them:" *And whereas this part of the said Act has been found insufficient to answer the purpose thereby intended; Be it therefore further enacted,* That in case the tenant or tenants, or other person in possession or improvement of all such lands or tenements, on which such execution shall be levied, shall refuse to attorn and become tenants to the creditor or creditors, at such rents as the said creditor or creditors shall think reasonable, and pay the same as it becomes due, that then and in either of these cases, the person or persons in possession of the said lands or tenements shall be held and deemed wrongful detainers of the premises, and shall and may be prosecuted as is herein before directed.

Persons in possession refusing to attorn as tenants to the creditor, to be proceeded against in like manner.

III. *And be it enacted,* That the attornment shall be in the form following:

Form of the attornment.

I A. B. of do hereby attorn and become tenant to C. D. of for for the term of at the yearly rent of per annum; *the said rent to be paid quarterly, with liberty for the said C. D. or his attorney to enter into said premises, and distrain for the said rent, if in arrear; in consideration of which attornment I have paid the said C. D. the sum of one shilling. Witness my hand, at the day of*

Witness,

CAP.

CAP. IX.

An ACT, in addition to an Act, entitled, An Act for regulating and maintaining an Houſe of Correction or Work-Houſe, within the town of Halifax, and for binding out poor Children, made and paſſed in the thirty-third year of His late Majeſty's Reign.

For Acts in amendment or addition to this Act, ſee note on the 33d. Geo. 2d. cap. 1. and alſo ſee 42d. Geo. 3d. cap. 6.

Preamble.

WHEREAS *ſeveral inconveniences have ariſen for want of ſufficient directions being given in the Act, made and paſſed in the thirty-third year of His late Majeſty's Reign, entitled,* An Act for regulating and maintaining an Houſe of Correction or Work Houſe, within the town of Halifax, and for binding out poor children, *touching the regulating and governing the Work Houſe erected in the town of Halifax, and other matters intended to be provided for by the ſaid Act; Be it enacted by the Lieutenant-Governor, Council, and Aſſembly,* That from and after the publication hereof, the ordering and governing the ſaid Houſe of Correction or Work Houſe, ſhall be in the Juſtices of the Peace in their Quarter Seſſions, (exeept three rooms which ſhall be reſerved for the reception of the poor, under the direction of the Overſeers of the Poor) and the ſaid Juſtices are hereby alſo impowered to agree with any perſon to be maſter or keeper of the ſaid Houſe, (excepting the three rooms before excepted) upon the beſt terms they can, for ſuch time as they ſhall think adviſeable, publick notice being firſt given in the Halifax Gazette for that purpoſe; and ſuch maſter or keeper ſhall account with the ſaid Juſtices in Seſſions once in every three months, (if required) therein ſtating as well the expences of attending the ſaid Houſe, as all the earnings of the ſame.

The workhouſe to be under the direction of the Juſtices in Quarter Seſſions (except three rooms for the reception of the poor, which ſhall be under the direction of the overſeers of the poor,) who ſhall agree with keeper of the ſaid houſe, &c. &c.

II. *And be it further enacted,* That the ſaid Juſtices ſhall nominate three of their Bench, quarterly, to have the inſpection of the ſaid Work Houſe, one of which Juſtices in rotation ſhall viſit the ſame at leaſt once every week, to ſee that ſuch perſons as ſhall be committed thereto, are kept diligently to work; and to rectify any abuſes that may be found in the management thereof.

Three of the ſaid Juſtices to have the inſpection of the ſaid Houſes one of whom ſhall viſit the ſame once every week.

III. *And whereas, by the ſaid Act, ſick and weak perſons unable to work are directed to be ſent to the ſaid Houſe of Correction, to be there taken care of and relieved, which has been attended with great expence, for remedy whereof, Be it enacted,* That it ſhall be in the power of the Overſeers of the Poor of the town of Halifax only to ſend ſuch ſick and weak perſons to the Work Houſe, there to be relieved by their direction, and the expence thereof to be defrayed out of ſuch taxes, or poor's rate, as ſhall be granted and collected for the town of Halifax.

Sick and weak perſons to be ſent to the work-houſe, by the overſeers of the poor only, to be there relieved.

IV. *And whereas the clauſe in the ſaid Act, relating to the binding out poor childrea and orphans, is confined to the town of Halifax only, which if extended to the other towns in the province, might be attended with many good effects, Be it therefore enacted,* That the ſaid clauſe in the before recited Act, relating to the binding out poor children and orphans, and all the directions therein contained, ſhall for the future extend, and be conſtrued to extend, to all the other towns in this province.

The clauſe relating to the binding out poor children, to extend through the province.

CAP. X.

Expired.

An ACT in addition to an Act, entitled, 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.

CAP.

CAP. XI.

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

CAP. XII.

An ACT for suppreſſing unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be Licenſed. Expired.

CAP. XIII.

An ACT for reviving an Act, made and paſſed in the the thirty-third year of His late Majeſty's reign, entitled, 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. Expired.

CAP. XIV.

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

CAP. XV.

An ACT, in addition to an Act, made and paſſed in the thirty-third year of His late Majeſty's reign, entitled, an Act for the ſummary trial of Actions. Expired.

At the GENERAL ASSEMBLY, of the Province of Nova-Scotia, begun and holden at Halifax, on the first day of July, Anno Domini 1761, 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 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.*

* In the time of Montague Wilmot, Governor; Jonathan Belcher, Chief Justice and President of Council; William Nesbitt, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

Eng. Stat. 8. H. 6. c. 12. sect. 1, 2.

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

No Judgment, &c. to be reversed for any Writ razed or interlined.

BE *it 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 process shall be depending, shall have power to examine such records, process, words, pleas, warrants of attorney, writs, panels or return, by them and their clerks, and to reform and (*a*) amend, in affirmance of the judgments of such records and processes, all that which to them in their discretion seemeth to be misprision of their clerks, in such record, processes, word, plea, warrant of attorney, writ, panel and return (*a*); except appeals, indictments of treasons and felonies, and the outlawries for the same, † and the substance of the proper names, firnames, and additions left out in original writs, and writs of exigent, and any other writs containing proclamation.

The Judges may amend all defects which are Misprision of their clerks.

Except Appeals, &c.

† 1. Bac. Abr. C. L. p. 95. Let. C.

II. *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 course of proceedings in this province, wherein there shall be any variance from the original record, or other defect

* Eng. Stat. 5. Geo. 1. c. 13. Writs of Error varying from the

(*aa*) By common law all mistakes were amendable the same term. 8. Co. 156, 157. a. b.
For amendments in subsequent terms in mistakes of letters and syllables, vide Eng. stat. 14. Ed. 3. c. 6, 8. Co. 158. a.
The Eng. stat. 8. Hen. 6. c. 12. (from which this first section is transcribed) gives remedy for amendment of original writs, processes, &c. See the exposition of this statute in Arthur Blackamore's case, 8 Co. 156. a. The process is as well amendable after judgment as before by 14. Ed. 3. c. 6. but the power of amending records, &c. is only in affirmance of the judgment, &c. by 8. Hen. 6. c. 12.

fect, 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 reverſed for any defect or fault either in form or ſubſtance (*b*), in any bill, writ, original or judicial, or for any variance in ſuch writs from the declaration or other proceedings.

Record may be amended.

† Eng. Stat. 18. Eliz. c. 14, 16, and 17. Car. 2 c. 8. 1. Vent. 200. 5. Geo. 1. c. 13. After verdict no Judgment ſhall be ſtayed, &c. for any Defect in any Bill, &c.

III. *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 miſdemeanor whatſoever. (*c*)

Not to extend to Appeals of Felony, &c.

(*b*) Whatever is eſſential to the gift of the action cannot be cured after verdict, 1. Mod. 286. and what is ſubſtance muſt be determined in every action according to its nature, and every action muſt have all eſſentials neceſſary to maintain it. Cro. Eliz. 778.

Want of ſubſtance in the count was not amendable, Freeman's caſe, 5. Co. 25.

Where by record it appears that plt. had no cauſe of action, it is not cured by verdict for plt. 3. Co. 52. b.

(*c*) 1. Bac. Abr. C. L. p. 96. Let. C. Eng. ſtat 4. Ann. c. 16. and 9. An. c. 20. ſec. 7.

Eng. Stat. 8 and 9. Will. 3. c. 11. ſec. 6.

CAP. II.

An ACT for preventing abatement and diſcontinuance of Suits.

1. Salk. 352.

'Plaintiff or Defendant dying before final Judgment, Action not to abate.

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 dieafter 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 impowered 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 teſtators or inteſtates.†

Eng. Stat. 8 and 9. Will. 3. c. 11. ſec. 7.

Action may proceed notwithſtanding the death of one of the parties.

II. *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 writ or 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.

Eng. Stat. 17. Car. 2. c. 8. ſec. 1.

Death of either Party between Verdict & Judgment.

III. *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.*

Eng. Stat. 17. Car. 2. c. 8. ſec. 2.

Judgment obtained by an Executor.

IV. *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 *ſcire facias* and take execution upon ſuch judgment.

Eng. Stat. 1 Ed. 6. c. 7. ſec. 6.

No Suit before Juſtices ſhall be

V. *And be it further enacted*, That no proceſs or ſuit before any Juſtices of Aſſize, Goal Delivery, Oyer 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

† By the Eng. ſtat. 8. and 9. Will. 3. c. 11. ſec. 6. Plaintiff muſt proceed by *ſcire facias* and writ of enquiry. This clauſe of the Act reſpects only the death of parties between an interlocutory and final judgment, which was an abatement at common law. In what caſes death of parties ſhall abate the writ or not at common law, vide Cro. El. 612. Co. Lit. 139. Cro. Car. 426. 3. Mod. 249. 2. Stra. 1063. Where the plea remains in the ſame condition as if the party deceaſed had been living there, it is a general rule, that the death of ſuch party makes no alteration or abatement of the writ.

* 1 Salk. 8. and 9. 1. Sid. 385.

discontinued by a new Commission.

the Juſtices of Aſſize, Goal Delivery, Oyer 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.

CAP. III.

This Act executed and money repaid.

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.

CAP. IV.

Expired.

An ACT in further addition to an Act made and paſſed in the third year of His Majeſty's Reign, entitled, 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.

CAP. V.

Expired.

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.

CAP. VI.

Expired.

An ACT, in addition to an Act, made and paſſed in the third year of His Majeſty's Reign, entitled, 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.

CAP. VII.

Expired.

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

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the First Day of July, Anno Domini 1761, 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 Twelfth Day of October, 1764, in the Fourth Year of His ſaid Majeſty's Reign; being the Sixth and laſt Seſſion of the Third General Aſſembly convened in the ſaid Province.*

*In the time of Monague Wilmot, Governor; Jonathan Belcher, Chief Juſtice; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; Iſaac Deſchamps, Clerk of Aſſembly.—It is to be obſerved that moſt of the Acts of this Seſſion are ſigned by John Collier, as Speaker of the Council.

CAP. I.

An ACT for reformation of Jeofails and miſpleadings, and to prevent arreſts and reverſals of Judgments, and for the better advancement of Juſtice.

BE *it enacted by the Governor, Council and Aſſembly*, That if any iſſue be tried by the oath of twelve or more indifferent men for the party plantiff or demandant, or for the party tenant or demandant, in any Courts of Record, the Juſtice or Juſtices, by whom judgment thereof ought to be given, ſhall proceed and give judgment in the ſame, any miſpleading, want of colour, inſufficient pleading, or joefail, any miſcontinuance or diſcontinuance or miſconveying of proceſs, misjoining of the iſſue, want of warrant of attorney for the party, againſt whom the ſame iſſue ſhall happen to be tried, or any other default or negligence of any of the parties, their counſellors or attornies, had or made to the contrary notwithſtanding; and the ſaid judgment ſhall ſtand according to the ſaid verdict, without reverſal by writ of error or falſe judgment (*a*); Provided, that in avoiding of errors through the negligence of attornies, every perſon named as attorney in actions and ſuits pleaded to iſſue, ſhall from time to time deliver, or cauſe to be delivered his or their ſufficient and lawful warrant of attorney, to be entered of record, for every of the ſaid actions or ſuits wherein they be named attornies, to the Clerk of the Court; that is to ſay, the attorney for the plaintiff or demandant, ſhall file his warrant of attorney as aforeſaid, the ſame term he declares,

Eng. ſtat. 32. Hen. 8. c. 30. ſec. 1. After an iſſue tried there ſhall be judgment given notwithſtanding any miſpleading &c.

Eng. ſtat. 32. Hen. 8. c. 30 ſec. 2. When an attorney ſhall enter his warrant in Court.

(*a*) Vide 1. Danver's abridg. 352. A collection of authorities tranſcribed into 1. Bac. Abr. C. L. 91. Settling what iſſues, pleas, &c. are aided or not by this Eng. ſtat. 32. Hen. 8. c. 30. The only omiſſion remedied by this Eng. ſtat. is the party's neglect in not filing the warrant of attorney.

clares, and the attorney for the defendant or tenant, ſhall file his warrant the ſame term he appears; upon pain of forfeiting unto our Sovereign Lord the King, the ſum of five pounds, for not delivering the ſaid warrant of attorney; to be recovered by action of debt, bill, plaint or information.

Eng. Stat. 18. Eliz. c. 14. ſec. 1. After Verdict, Judgment ſhall not be ſtayed, &c. For want of Form, &c.

II. *And be it further enacted*, That after verdict as aforeſaid, the judgment thereupon ſhall not be ſtayed or reverſed, for any defect in form in any writ, original or judicial, count, declaration, bill, plaint, ſuit, or demand, or any variance in form only between the original or bill, and the declaration or plaint, or for want of any writ, original or judicial, or for any imperfect or inſufficient return of any Sheriff or other officer (*b*).

Eng. Stat. 21. Jac. 1. c. 13. ſec. 2. Divers Jeofails in Suits of Law prevented and reformed.

III. *And be it further enacted*, That after verdict, judgment thereupon ſhall not be ſtayed or reverſed for want of an averment of any life or lives (*c*) ſo as the ſaid perſon be proved to be alive, or for awarding the *venire facias* to a wrong officer, upon any inſufficient ſuggeſtion, or becauſe the viſne (*d*) is in ſome part (*e*) miſawarded or ſued out of more or fewer places than it ought to be, ſo as ſome one place be right named, or for miſnaming any of the Jurors in ſirname (*f*) or addition in any of the writs or returns thereof, ſo as it be proved to be the ſame man that was meant to be returned, or by reaſon that there is no return upon any of the ſaid writs, ſo as a panel of the names of Jurors be returned and annexed to the ſaid writ, or for that the Sheriffs or other officer's name, having the return thereof, is not ſet to the return of any ſuch writ, ſo as it be proved that the ſaid writ was returned by ſuch officer, or by reaſon (*g*) that the plaintiff in any *ejectione firmæ*, or in any perſonal action or ſuit being an infant under the age of one and twenty years, did appear by attorney therein, and the verdict paſſed for him.

Eng. Stat. 16 and 17. Car. 2. c. 8. ſec. 1.

This Act ſupplies ſeveral defects in 21. Jac. 1 c. 13. and adjudges many points to be form which were before conſtrued to be ſubſtance, and not aided by the former ſtatutes.

In what caſes judgment, after verdict, ſhall not be ſtayed for want of form in pleading.

IV. *And be it further enacted*, That judgment ſhall not be ſtayed or reverſed after verdict, for want of pledges, or but one pledge to proſecute, returned upon the original writ, or becauſe the name of the Sheriff is not returned on the original writ, or for want of entering pledges upon any bill or declaration, or for not alledging the bringing into Court any bond, bill, indenture, or other deed mentioned in the declaration or other pleading, or for want of allegation of bringing into Court any letters teſtamentary, or letters of adminiſtration, or for omiſſion of, by force and arms, and againſt the peace, or for miſtaking the chriſtian name or ſirname of the plaintiff or defendant, demandant or tenant, ſum or ſums of money, day, month or year, by the clerk in any bill, declaration or pleading, where the right name, ſirname, ſum, day, month or year, in any writ, plaint, roll or record preceeding, or in the ſame roll or record, where the miſtake is committed, is or are once truly and rightly alledged, whereunto the plaintiff might have demurred, and ſhewn the ſame for cauſe, nor for want of averment of *this he is ready to verify*, or for *this he is ready to verify by record*, or for not alledging *as it appears by record*, or for that there is no right venue, ſo as the cauſe were tried by a jury of the proper (*h*) county or (*i*) place, where the (*k*) action is laid, nor for that the

(*b*) This Eng. ſtat. 18. Eliz. c. 2. remedies the omiſſions of the prevailing as well as the other party. Vide 1. Bac. Ab. C. L. 92. Conſtruction and authorities as to form and ſubſtance of writs, declarations, returns, &c. and how far aided or not by this ſtatute.

Miſpritions not amended by Eng. ſtat. 18. Eliz. c. 14. ſec. 1. nor by 32. Hen. 8. c. 30. vide Arthur Blackamore's caſe. 8. Co. 156 b. to 163. a. Where by record it appears plt had no cauſe of action, not amendable though verdict paſs for him, 3. Co. 52. b.

(*c*) 1. Sid. 61.

(*d*) Cro. Car. 17, 162, 284, 480.

(*e*) This ſtat was framed to help miſtakes in Jury proceſs, but remedy is given only where the venue ariſes from ſeveral places, and one of the places is truly named, 1. Sid. 20 2. Lev. 122. and 2. Saund. 258. By this ſtat. no proceedings were aided but thoſe in Jury proceſs, according to the courſe of the common law.

(*f*) This extends not to any miſtake in the Chriſtian name, Cro. Car. 202.

(*g*) Style, 158, 218.

(*h*) This gives no aid where the trial is in an improper county. 1. Mod. 37, 199. 2. Mod. 24. 1. Stra. 313. 2. Stra. 1011.

(*i*) 1. Lev. 207. per Twiſden, who termed this Act an omnipotent Act. This ſtatute being a new Law, ſhall not be conſtrued according to the intent againſt the words.

(*k*) 1. Saund. 247, 248. 1. Vent. 263. 2. Lev. 121. The ſtat. did not intend to alter the whole courſe of trials, and to try things in foreign counties, and muſt mean that the iſſue ſhall be tried in the proper county where it ariſes, elſe it would be impoſſible by any plea to remove the trial from the county where the action is laid. Raym. 181.

the increaſe of coſts after a verdict in an action, or upon a non ſuit in replevin, are not entered to be at the requeſt of the party for whom the judgment is given, nor by reaſon that the coſts in any judgment whatſoever, are not entered to be by conſent of the plaintiff, but that all ſuch omiſſions, variances, defects and all other (*l*) matters of like nature, not being againſt the right of the matter of the ſuit, nor whereby the iſſue or trial are altered, ſhall be amended by the Juſtices or other Judges of the Courts where ſuch judgments are or ſhall be given, or whereunto the record is or ſhall be removed by writ of error, or by appeal in any action, real, perſonal or mixt, according to the uſage and courſe of proceedings in this province.

V. *And be it further enacted*, That where any demurrer ſhall be joined, and entered in any action or ſuit in any Court of Record within this Province, the Judges ſhall proceed and give judgment, according as the very right of the cauſe and matter in Law ſhall appear unto them, without regarding any imperfection, omiſſion or defect in any writ, return, plaint, declaration, or other pleading, proceſs or courſe of proceeding whatſoever, except thoſe only which the party demurring ſhall ſpecially and particularly ſet down and expreſs together with his demurrer as cauſes of the ſame, although ſuch imperfection, omiſſion or defect be matter of ſubſtance, ſo as ſufficient matter appear in the ſaid pleadings, upon which the Court may give judgment, according to the very right of the cauſe, and therefore no advantage or exception ſhall be taken of, or for an immaterial traverſe, or of or for the default of entering pledges upon any bill or declaration, or of or for the default of alledging the bringing into Court any bond, bill, indenture or other deed, whatſoever, mentioned in the declaration or other pleading, or of or for the default of alledging the bringing into Court letters teſtamentary or letters of adminiſtration, or of or for the omiſſion of *by force and arms and againſt the peace*, or either of them; or of or for the want of averment of *This he is ready to verify*, or of *This he is ready to verify by record*, or of or for not alledging *as it appears by the record*, (but the Court ſhall give judgment according to the very right of the cauſe as aforeſaid, without regarding any ſuch imperfections, omiſſions and defects, or any other matter of the like nature except the ſame ſhall be ſpecially and particularly ſet down and ſhewn for cauſe of demurrer.)

Eng. ſtat. 4, and 5. Ann. c. 16. ſec. 1. ſaid to have been penned by Lord Somers. Judges ſhall give judgment on demurrer, &c. without regarding any defect in writ, &c. Vide Eng. ſtat. 27. Eliz. c. 5. ſec. 1.

Exception

VI. *And be it further enacted*, That no judgment entered upon confeſſion, *nihil dicit*, or *non ſum informatus*, in any Court of Record, ſhall be reverſed, nor any judgment upon any writ of inquiry of damages executed thereon, be ſtaid or reverſed for or by reaſon of any imperfection, omiſſion, defect, matter or thing whatſoever, which by force of this Act would have been aided and cured as jeofails, in caſe a verdict of twelve men had been given in the ſaid action or ſuit, ſo as there be an original writ or bill, and warrants of attorney duly filed as by this Act is directed.

Eng. ſtat. 4, and 5. Ann. c. 16. ſec. 1. Judgment entered upon confeſſion, &c. not to be reverſed for any imperfection &c.

VII. *And be it further enacted*, That this Act ſhall extend in all jeofails as aforeſaid to all ſuits in any Court of Record, for recovery of any debt immediately owing, or any revenue belonging to His Majeſty, His heirs or ſucceſſors.

Eng. ſtat. 4, & 5. Ann. c. 16. ſec. 24. Act to extend to to all ſuits for the King's debts, &c.

VIII. *Provided always, and be it enacted by the authority aforeſaid*, (*m*) That nothing in this Act before contained, ſhall extend to any writ, declaration or ſuit of appeal of felony or murder, or to any indictment or preſentment of treaſon, felony, or murder, or other matter, or to any proceſs upon any of them; or to any writ, bill, action or information upon any penal ſtatute.

Eng. ſtat. 18. Eliz. c. 14. ſec. 2. 21. Jac. 1. c. 13. ſec. 3. 16, and 17 Car. 2. c. 8. ſec. 4. and 5. Ann. c. 16. ſec. 7. To what this Act ſhall not extend.

IX. *And be it further enacted*, That no dilatory plea ſhall be received in any Court of record, unleſs

(*l*) 1. Vent. 172.

(*m*) Adjudged, that this exception doth not extend to caſes in which a remedy is given by way of recompence to a party.—No indictment can be amended where an amendment is not allowable by common law, ſince the ſtatutes of amendment do not extend to criminal proſecutions. 2. Hawk. P. C. 444.

Eng. ſtat. 4 and 5. Ann. c. 16. ſec. 11.

unleſs the party offering ſuch plea do, by affidavit, prove the truth thereof, or ſhew ſome probable matter to the Court to induce them to believe that the fact of ſuch dilatory plea is true (*n.*)

No dilatory plea to be received unleſs on affidavit.

(*n*) Pleas in abatement, and foreign pleas ouſting the juriſdiction of Courts, reſpect not the merits of the cauſe, and being merely dilatory, were reſtrained at common law, &c. and further by this ſtatute, requiring an oath and ſhewing a probable cauſe of the delay to the Court, and this muſt be before imparlance, as in 1. Vent. 180.

CAP. II.

This Act is repealed by the 36th. Geo. 3d. cap. 2.

An ACT, in further addition to an Act, made and paſſed in the Thirty Third Year of His late Majeſty's Reign, entitled an Act for regulating Petit Juries, and declaring the Qualification of Jurors.

CAP. III.

This Act executed and the money repaid.

An ACT, to impower the Province Treaſurer to iſſue ſmall Notes for diſcharging the Loans made in virtue of an Act, made and paſſed in the First Year of His Majeſty's Reign, entitled an Act for the relief of the Poor of the Town of Halifax, and indigent perſons in the New Settlements; and of an Act made and paſſed in the Second Year of His Majeſty's Reign, entitled an Act to enable the Governor, Lieutenant-Governor, or Commander in Chief, to borrow the Sum of Four Thouſand Five Hundred Pounds for paying off the public Debts, and to poſtpone the payment of Bounties and Premiums.

CAP. IV.

3. Geo. 3. c. 3.

An ACT, to repeal part of an Act made and paſſed in the Third Year of his Majeſty's Reign, entitled an Act to prevent Frauds in the ſelling of Beef, Pork, Flour, and Biſcuit or Ship Bread in Caſks.

Preamble.

WHEREAS *ſeveral inconveniences and difficulties have ariſen, in carrying into execution the firſt clauſe of an Act made and paſſed in the third year of His Majeſty's Reign, entitled,* An Act 'to prevent frauds in the ſelling of Beef Pork, Flour, and Biſcuit or Ship Bread in Caſks.' *whereby it is enacted,* 'That all caſks of beef and pork, which ſhall be ſold, expoſed to ſale 'or bartered, or bargained for, in any way or manner whatſoever, within this province, ſhall 'contain, if the produce of America, not leſs than two hundred and twelve pounds of neat 'meat, and if from Ireland, two hundred pounds of neat meat,' *Be it therefore enacted by the Governor, Council and Aſſembly,* That from and after the publication hereof, the ſaid firſt clauſe in the ſaid Act, entitled, An Act to prevent frauds in the ſelling of Beef, Pork, Flour, and Biſcuit or Ship Bread in Caſks, and every part thereof, be, and the ſame is hereby repealed.

Repeal of the firſt chuſe of the Act recited.

This Act not to be in force until His Majeſty's pleaſure be known. Confirmed in 1766 by His Majeſty in Council.

II. *Provided always,* That nothing herein contained, ſhall have any force or effect, until His Majeſty's pleaſure herein ſhall be known.

CAP.

CAP. V.

An ACT in further addition to, and amendment of an Act, entitled, An Act relating to the Aſſize of Bread, and for aſcertaining the Standard of Weights and Meaſures, made and paſſed in the Thirty Second Year of His late Majeſty's Reign. This Act repealed by 36th Geo. 3d.

CAP. VI.

An ACT to impower the Province Treaſurer to borrow a Sum not exceeding the Sum of Fifteen Hundred Pounds, for paying off the Debt incurred by making Roads into the interior parts of this Province, and for further prolonging an Act made and paſſed in the Third Year of His Majeſty's Reign, entitled, An Act for ſuppreſſing unlicenſed Houſes, and granting to His Majeſty a Duty on Perſons hereafter to be licenſed. This Act executed and the money re-paid.

CAP. VII.

An ACT to impower the Province Treaſurer to borrow a ſum not exceeding the ſum of Two Thouſand Five Hundred Pounds, for paying off Bounties, Premiums and other Debts payable by the Laws of this Province. This Act executed and the money re-paid.

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, 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.*

* In the time of Montague Wilmot, Governor; John Collier, Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

Acts in amendment of or addition to this Act, 8th Geo. 3d. c. 6. 17th Geo. 3d. c. 1. 29th Geo. 3d. c. 11. 32d. Geo. 3d. c. 4.

An ACT for the choice of Town Officers and regulating of Townſhips.

Preamble.

WHEREAS *the method of nominating the reſpective town officers herein after mentioned by the grand jurors for the ſeveral counties, as directed by the laws of this province, is found inconvenient; Be it enacted by the Governor, Council, and Aſſembly*, That the grand juries for the ſeveral counties in this province, at the Court of General Seſſions of the Peace for each county reſpectively, next enſuing the publication of this Act, and thereafter annually at the firſt ſeſſions of the ſaid Court, ſhall nominate out of every townſhip in the ſaid county, ten fit perſons, out of whom the ſaid Court ſhall appoint five to be ſurveyors of lines and bounds of each reſpective townſhip, who are hereby impowered to ſurvey, examine, and aſcertain the lines and bounds of their ſaid reſpective townſhips, agreeable to the ſeveral grants thereof, and who ſhall alſo be overſeers of the poor of the ſaid townſhip; and at the ſame time the ſaid grand jury ſhall, in like manner, nominate two perſons, one of whom the Court ſhall appoint to be town clerk of the ſaid town, who ſhall be ſworn truly to enter and record all ſuch matters and things, as ſhall relate to the ſaid townſhip, and ſhall appertain to his office; and ſhall alſo nominate four or more conſtables, of whom the Court ſhall appoint two or more as they ſhall ſee convenient to be conſtables in the ſaid townſhip; and alſo ſhall nominate four ſurveyors of highways, of whom the ſaid Court ſhall appoint two to be ſurveyors of highways in the ſaid townſhip; and alſo ſhall nominate four fence viewers, of whom the ſaid Court ſhall appoint two to be fence viewers in the ſaid townſhip; and alſo ſhall nominate two clerks of the market, of whom the ſaid Court ſhall appoint one to be clerk of the market in ſaid townſhip; and ſhall alſo nominate four pound keepers, of whom the ſaid Court ſhall appoint a ſufficient number in their diſcretion to be pound keepers in the ſaid townſhip; and ſhall alſo nominate four or more cullers and ſurveyors of fiſh, of whom the ſaid Court ſhall appoint a ſufficient number in their diſcretion to be cullers and ſurveyors of fiſh in the ſaid townſhip; and ſhall alſo nominate four ſurveyors of lumber and cord wood, of whom the ſaid Court ſhall appoint two to be ſurveyors of lumber and cord wood in the ſaid townſhip;

Grand Jury at the firſt General Quarter Seſſions annually to nominate, and the Court to appoint Surveyors of Lines and Bounds and Overſeers of the Poor,

Town Clerk,

Conſtables,

Surveyors of Highways,

Fence Viewers,

Clerks of the Market,

Pound Keepers,

Cullers and Surveyors of Fiſh,

Surveyors of Lumber,

townſhip; and ſhall alſo nominate two ſealers of leather, of whom the ſaid Court ſhall appoint one to be ſealer of leather in the ſaid townſhip; and ſhall alſo nominate four gaugers of caſks, of whom the ſaid Court ſhall appoint two to be gaugers of caſks in the ſaid townſhip; and ſhall alſo nominate four hogreaves, of whom the ſaid Court ſhall appoint two to be hogreaves in the ſaid townſhip; who ſhall reſpectively be ſworn to the faithful diſcharge of their duty in manner as is already preſcribed by the laws of this province, and ſhall in every reſpect conform to the ſaid laws, and upon their, or any of their refuſal to accept, or being guilty of any neglect, or miſbehaviour in the execution of the duty of their reſpective offices, they ſhall forfeit and pay for the uſe of the poor of the ſaid townſhip, the ſum of forty ſhillings for every ſuch refuſal, neglect, or miſbehaviour; to be recovered upon proof of ſuch refuſal, neglect or miſbehaviour, by the oath of one credible witneſs, before any two of His Majeſty's Juſtices of the Peace, for the county wherein ſuch townſhip lies, to be levied by warrant of diſtreſs and ſale of the offender's goods and chattels, any law, uſage or cuſtom, to the contrary notwithſtanding: and if any perſon ſo nominated and choſen, ſhall leave the province, change the town of his reſidence, or happen to die within the period, for which he was nominated and appointed to ſerve in any of the ſaid offices, in ſuch caſe any two of His Majeſty's Juſtices of the Peace for the county, ſhall and may nominate and appoint a fit perſon or perſons, to ſerve in ſuch vacant office, until another ſhall be nominated by the grand jury, and appointed by the ſaid Court of General Seſſions, at their meeting next enſuing ſuch vacancy.

Sealers of Leather,

Gaugers of Caſks,

Hogreaves,

Perſons refuſing to accept, or being guilty of neglect or miſbehaviour to forfeit 40s. for the uſe of the poor,

in caſe of abſence &c. others to be appointed by two Juſtices.

II. *Provided always*, That nothing in this Act contained, ſhall extend, or be conſtrued to extend to reſtrain any privileges that may hereafter be granted, by any charter of incorporation, to any town or towns within this Province.

Not to extend to any towns that may be hereafter incorporated.

III. *And for the better regulating the ſeveral townſhips in this province; Be it enacted*, That the original boundary lines of each and every townſhip or diſtrict within this province, ſhall be run betwixt townſhip and townſhip, and marks renewed once in three years, viz. on the firſt Monday in March, by the ſurveyors of lines and bounds appointed for the reſpective townſhips, as directed by this Act, or the major part of them, and the perſons ſo appointed for each reſpective townſhip are hereby impowered and directed to give ſix days notice to the perſons appointed for the adjacent townſhips, of the time and place of meeting for ſuch ſurvey, and any perſon or perſons appointed as aforeſaid, refuſing or neglecting to attend at the place mentioned in ſuch notice, being duly ſerved therewith, ſhall forfeit and pay the ſum of forty ſhillings each, to be recovered on complaint before any two of His Majeſty's Juſtices for the county where ſuch complaint ſhall be made, and one half of the forfeiture ſhall be paid to the perſon or perſons who ſhall complain and proſecute for the ſame, and the other half to the overſeers of the poor, for the uſe of the poor of ſuch towns from whence the complaint was made; and whenever the ſurveyors of any townſhip, which ſhall have had notice as aforeſaid, ſhall refuſe or neglect to attend the ſaid buſineſs, the ſurveyors who ſhall have given ſuch notice, ſhall, and they are hereby impowered to proceed in running and making ſuch line, which ſhall be as effectual as if the ſurveyors of both townſhips had joined.

Boundary lines to be run and marks to be renewed once in three years.

On ſix days notice, Surveyors neglecting to attend, forfeit 40s.

IV. *And be it further enacted*, That each and every proprietor of lands laying unfenced, or in any common field, ſhall once in two years, on ſix days notice given him, his agent, or attorney, by the next proprietor or proprietors adjoining, run the lines, make and keep up the boundaries of ſuch lands or common field, by ſtones or other ſufficient marks, and every party ſo neglecting and refuſing, ſhall forfeit the ſum of twenty ſhillings, one half of which ſhall be to the party complaining, and the other half to the overſeers of the poor for the uſe of the poor of ſaid townſhip, and to be heard and determined before any one of His Majeſty's Juſtices of the Peace within the ſame county; and the proprietors of any field held in common, whether divided or undivided, ſhall, and they are hereby impowered to order, improve and fence, in

Proprietors of lands unfenced, or common fields once in two years.

On ſix days notice to run the lines and keep up the boundaries, or forfeit 20s.

Common fields to be ordered,

improved and fenced, as ſhall be agreed on by the major part of the proprietors.

in ſuch way or manner as ſhall be concluded and agreed upon by the major part of the intereſted therein; the voices to be collected and accounted according to their reſpective intereſts; and if any perſon ſhall refuſe to make, keep up, ſupport, and maintain his *quota*, part or proportion of ſuch fence ſo agreed on to be made, and ſhall on notice given him for that purpoſe by any one of the proprietors concerned with him in the ſaid common field, neglect the ſame for the ſpace of thirty days, the fence viewer ſhall, on application being made to him, make and ſet up the deficient fence, or repair any fence already made, if in his judgment the ſame is inſufficient, and the perſon or perſons, that of right ought to build and maintain the ſame, ſhall pay double the coſts and charges expended for the doing thereof, and in caſe of refuſal ſuch Fence-Viewer may recover the ſame before the Inferior Court of Common Pleas, or before one or two Juſtices according to the value thereof; and the ſaid fence viewer, ſhall be allowed three ſhillings per day for his own trouble and time expended therein.

Perſons refuſing to fence their proportion, to pay double the coſt for the ſame, to be done by the Fence Viewer.

Perſons neglecting to comply with regulations made by proprietors of common fields, forfeit 10s.

V. And if any perſon or perſons ſhall neglect or refuſe to comply with any regulation made by the proprietors of any common field as aforeſaid, which regulation ſhall be made annually, he or they ſhall forfeit and pay the ſum of ten ſhillings, for the uſe of the poor of the town where ſuch common field ſhall lie, to be recovered by the oath of one credible witneſs, before any one of His Majeſty's Juſtices of the Peace for the county wherein ſuch lands are, to be levied by diſtreſs and ſale of the offender's goods and chattels, and ſhall moreover make ſatisfaction for all damages that may have ariſen by ſuch neglect or refuſal.

Cattle to be branded.

VI. *And whereas many inconveniences have ariſen for want of cattle being branded or otherways marked, that run in common, Be it enacted*, That all and every owner of any horſe or horſes, neat cattle, ſheep, or ſwine, ſhall brand or otherways mark ſuch horſe or horſes, neat cattle, ſheep or ſwine, in ſuch manner as that the ſame may be clearly known, and ſhall enter ſuch mark or brand with the Town Clerk, in a book to be kept by him for that purpoſe, and the ſaid Town Clerk ſhall receive for recording the ſaid mark or brand the ſum of ſix pence.

CAP. II.

An ACT, in addition to, and amendment of an Act, made and paſſed in the Firſt Year of His Majeſty's Reign, entitled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the ſeveral Townſhips in this Province.

For Acts in amendment or addition to this Act, ſee note on 1ſt. Geo. 3. cap. 14.

New highways or common roads, to be laid out by a Jury, ſworn at the General Seſſions for that purpoſe

BE *it enacted by the Governor, Council and Aſſembly*, That where a new highway or common road from town to town, or place to place in any county in this province, ſhall be wanting, and where old ways with more conveniency may be turned or altered; upon application made to the Juſtices in General Seſſions, within the ſame county, the Court is hereby impowered to appoint two or three ſufficient freeholders of the next towns, who ſhall have moſt occaſion of the ſaid way, to enquire into the neceſſity and conveniency thereof, and to make their report thereon, and being judged to be of common neceſſity or conveniency, the Juſtices ſhall order a warrant to the Provoſt Marſhal or his deputy to ſummon a Jury out of the next towns, to meet at ſome convenient day and place therein mentioned, to view and lay out ſuch highways or roads, who ſhall have an oath adminiſtered to them by a Juſtice of the Peace, to lay out ſuch way according to their beſt ſkill and judgment, with moſt conveniency to the public, and leaſt prejudice or damage to any particular perſon; which having done, the Provoſt Marſhal or his deputy is to make a return thereof on the day appointed by the Court, as well under his own, as the hands of the jurors, by whoſe oath the ſame is laid out,

to

to the end the ſame may be allowed of and recorded, and after known for a public highway; and all public highways hereafter to be laid out as aforeſaid, ſhall not be leſs than one hundred feet wide.

Highways not to be leſs than 100 feet wide.

II. *Provided always, and be it enacted*, That before ſuch road or highway is allowed and recorded for a public highway, the Court ſhall cauſe notice to be given thereof for the ſpace of thirty days, to the intent that if any perſon ſhall think himſelf aggrieved thereby, he may make his complaint thereof, and enquiry be made into the cauſe of ſuch complaint.

30 days notice to be given, that any perſon aggrieved, may complain.

III. *And be it further enacted*, That the ſurveyors of the highways of each town reſpectively, be and are hereby impowered to lay out particular and private ways, either open or pent, with ſwinging gates for ſuch town only, as ſhall be thought neceſſary by the Juſtices of the Peace in their General Seſſions, upon application made to them by the perſons concerned: *Provided*, that no damage be done to any particular perſon in his land or property, without due recompence to be made by the town, as the ſurveyors of highways and the party intereſted may agree, or as ſhall be ordered by the Juſtices in General Seſſions, upon inquiry into the ſame by a jury to be ſummoned for that purpoſe.

Private roads to be laid out by the Surveyors of Highways.

Not to endamage any particular perſon without due recompence.

IV. *And be it alſo further enacted*, That if any perſon or perſons ſhall alter any public road or highway, or any private road that ſhall be laid out as aforeſaid, or that ſhall make any encroachment upon the ſame, not being firſt authoriſed ſo to do by due courſe of law; ſuch perſons ſhall, upon complaint and due proof thereof made before the Court of General Seſſions of the Peace, for the county, where ſuch highway lay before it was ſo altered and encroached upon, forfeit five pounds, to be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant of the Court who ſhall hear the ſaid complaint; and all forfeitures ſo to be levied ſhall be paid to the ſurveyors of the highway of the townſhip, from whence the fine was levied, to be applied for repairing highways, roads, ſtreets and bridges, within the ſame.

Any perſon altering or encroaching on any road,

forfeits 5l.

to be applied to the repairing highways, &c.

V. *And whereas in and by the Act made and paſſed by the General Aſſembly of this Province, in the firſt year of His Majeſty's reign, entitled*, An Act for repairing and mending highways, roads, bridges and ſtreets, and for appointing ſurveyors of highways within the ſeveral townſhips in this province," *it is, among other things, enacted*, " That the conſtables of the ſeveral ' townſhips in this province ſhall, in writing, making an equal diviſion, ſet out to the Sur- ' veyors of highways, the ſeveral roads, highways and ſtreets, on which each of them ſhall ' reſpectively labour, and deliver alſo a liſt, ſigned by them, of ſuch perſons, as ſhall live within ' the diſtrict wherein ſuch highways, roads or ſtreets, are allotted to each of them, to be em- ' ployed by them reſpectively, and who accordingly ſhall be reputed to be the perſons obliged ' by the ſaid Act to labour.' *And whereas it is thought moſt proper, that the ſurveyors of the highways, ſhould themſelves ſet out the ſeveral roads, highways and ſtreets, which require repair: Be it therefore enacted*, That the conſtables of the ſeveral townſhips in this province ſhall make out a liſt of all ſuch perſons who are owners of teams, carts or trucks, as alſo of every other houſholder and labourer within their reſpective townſhips, and deliver the ſame to the ſurveyors of highways; and at ſuch time as the ſaid ſurveyors ſhall judge proper, between the days preſcribed by the afore recited Act, the ſaid conſtables ſhall ſummon ſo many of the perſons contained in ſaid liſts, as the ſurveyors ſhall direct from time to time.

Conſtables to return to the Surveyors, a liſt of the owners of teams, &c. and of perſons liable to labour.

VI. *And be it alſo enacted*, That all perſons able of body between the age of ſixteen years and ſixty, ſhall be obliged to labour at the ſaid roads, highways, ſtreets and bridges, or procure or pay a proper perſon for the ſame.

Perſons between the age of ſixteen and ſixty obliged to labour on the roads, or pay a proper perſon.

CAP.

CAP. III.

This Act is provided for in another way and therefore not printed.

An ACT for impowering the Juſtices of the Peace for the County of Halifax, to hold a Court of Special Seſſions of the Peace at Windſor in ſaid County, for the Townſhips of Windſor, Onſlow and Truro.

CAP. IV.

For Acts in addition to, or amendment of this Act, ſee note on 34th. Geo. 2d. cap. 7.

An ACT in further addition to and amendment of an Act made and paſſed in the thirty-fourth year of His late Majeſty's reign, entitled, An Act for the appointing Commiſſioners of Sewers.

Preamble.

WHEREAS *in the laſt clauſe of an Act made and paſſed by the General Aſſembly of this province, in the third year of His Majeſty's reign, entitled,* An Act in addition to, and amendment of, an Act for the appointing Commiſſioners of Sewers, *it is enacted,* That if any proprietor or 'proprietors of the lands dyked in or drained, are abſent, and no perſon appearing in their be-'half, and have not any goods or chattels to anſwer his, her, or their dividend or proportion 'of ſuch aſſeſſment made as aforeſaid, it ſhall and may be lawful for any one of His Majeſty's 'Juſtices of the Peace for the County, where ſuch lands lie, to let out any part of ſuch delin-'quent's lands, that may be ſufficient to pay, by the produce of the ſame, any ſuch dividend or 'proportion of the ſum ſo due.' *But no proviſion is made to collect from any proprietor or proprietors being preſent and not having any goods or chattels to anſwer his, her, or their dividend or proportion of any aſſeſſment, made in virtue of the before mentioned Act; Be it enacted, by the Governor, Council and Aſſembly,* That any proprietor or proprietors of any lands dyked in, or drained, as directed in and by the before mentioned Act, being preſent and not having any goods or chattels, to anſwer his, her, or their dividend or proportion of any aſſeſſment made by commiſſioners of ſewers according to law, it ſhall and may be lawful for any one of His Majeſty's Juſtices of the Peace for the county, where ſuch lands lie, to let out any part of ſuch delinquent's lands, that may be ſufficient to pay, by the produce of the ſame, any ſuch dividend or proportion of the ſum ſo due.

Delinquent proprietor's lands, to be let out by one Juſtice to pay their proporiton for dyking &c.

II. *Provided always,* That if any proprietor or proprietors of lands, let out as aforeſaid, ſhall think himſelf or herſelf aggrieved by the proceedings of any Juſtices of the Peace, in letting out his, her, or their lands as aforeſaid, ſuch proprietor or proprietors, by themſelves, or their attornies or agents, may complain to the Juſtices in their General Seſſions of the Peace for ſaid county, for relief therein.

Appeal to the General Seſſions.

CAP. V.

Acts in addition to, or amendment of this Act, 8th. and 9th. Geo. 3d. cap. 6. 9th. Geo. 3d. c. 1. 14th. and 15th. Geo. 3d. cap. 5. 30th. Geo. 3d. cap. 9. 31ſt. Geo. 3d. cap. 5. 32d. Geo. 3d. cap. 7, and 9. 33d. Geo. 3d. cap. 6. Three temporary Acts in the 36th. Geo. 3d. one in the 40th. Geo. 3d. See alſo reſpecting poor rates,

An ACT to enable the Inhabitants in the ſeveral Townſhips in this Province (Halifax excepted) to cauſe any abſent Proprietor of Lands within the ſame to pay a dividend or proportion of any County or Town Charge to be aſſeſſed according to Law, and to bear their juſt proportion in repairing Highways, Roads and Bridges within the ſaid Townſhips reſpectively.

WHEREAS *there are many non-reſident proprietors of lands within this province, whoſe lands are enhanced in their value by the labour of thoſe who are preſent, and the burthen of the neceſſary*

ceſſary county and town charges being heavy on the reſident proprietors; Be it enacted by the Governor, Council and Aſſembly, That each and every non-reſident proprietor or proprietors of lands in any townſhip within this province, (the townſhip of Halifax excepted) ſhall pay or cauſe to be paid, his, her, or their juſt dividend or proportion of all county and town charges hereafter to be aſſeſſed in ſuch county and townſhip, and upon failure thereof the ſame to be recovered as directed by the Laws impowering ſuch aſſeſſment, and each and every non-reſident proprietor or proprietors of lands in any townſhip, ſhall be obliged to do and perform his, her or their parts or proportion of labour on the highways, roads, and bridges, within their reſpective townſhips, or pay for the ſame as delinquent inhabitants are by law directed.

the note on the 4th. and. 5th. Geo. 3d. cap. 7. Non-reſident proprietors to pay their proportion of all county and town charges.

and for labour on the highways

II. *And be it alſo enacted*, That if any proprietor or proprietors of lands in any townſhips as aforeſaid ſhall be abſent, and no perſon appearing in their behalf, on public notice being given in the Halifax Gazette, to pay his, her, or their dividend or proportion of any aſſeſſment made in virtue of any law of this province, and to labour on the highways, roads and bridges as aforeſaid, and not having any goods and chattels to anſwer his, her, or their dividend or proportion of any charge made as aforeſaid, it ſhall and may be lawful for any one of His Majeſty's Juſtices of the Peace, who are hereby impowered, to let out any part of ſuch delinquent's lands, as may be ſufficient to pay, by the produce of the ſame, any ſuch dividend, proportion, or charge ſo due; and in caſe the lands of ſuch abſentee, ſhould not for the preſent, produce ſufficient to pay the *queta* of his, her, or their proportion of ſuch aſſeſſment, that then the lands of ſuch delinquent ſhall be held chargeable therewith.

on failure, one Juſtice may let out ſuch delinquent's lands for payment thereof.

III. *Provided always*, That if any proprietor or proprietors of lands, let out and held as aforeſaid, ſhall think himſelf or herſelf aggrieved, by the proceedings of any Juſtice of the Peace, in letting out his, her or their lands as aforeſaid, ſuch proprietor or proprietors, by themſelves or their attornies, may complain to the Juſtices in their General Seſſions of the Peace for ſaid county, for relief therein.

Appeal to the General Seſſions.

CAP. VI.

For Acts in amendment or addition to this Act ſee note on cap. 5. of this year's reign. Eng. Stat. 43. Eliz. c. 3.

An ACT for the raiſing Money by Preſentment on the ſeveral Counties in this Province, for the defraying certain County Charges therein mentioned.

BE *it enacted, by the Governor, Council and Aſſembly*, That from and after the publication hereof, it ſhall and may be lawful for the ſeveral grand juries in each of the ſeveral counties in this province, either at the Court of Aſſize, or General Seſſions of the Peace held for ſuch county, to preſent annually a proper and fit perſon, one of the freeholders of ſaid county, to be a treaſurer for ſaid county for the year enſuing, and ſuch perſon being approved of by the Court, ſhall be ſworn to the due execution of his office, and inveſted with all the powers and truſts, as herein after directed.

Grand Juries at the Court of Aſſize or General Seſſions of the Peace to preſent annually a proper perſon to be County Treaſurer, to be approved and ſworn by the Court.

II. *And be it further enacted*, That it ſhall and may be lawful for the ſeveral grand juries in each of the ſeveral counties within this province, either at the Court of Aſſize or General Seſſions of the Peace held for ſuch county, to make preſentment, upon proper repreſentations made thereon by three or more freeholders of the ſaid county, or of their own knowledge, of all ſuch ſum and ſums of money or expences that may be found to have ariſen, or that may be abſolutely neceſſary to be raiſed for the building or repairing a county goal, or for the building or repairing a Court or Seſſion Houſe, erecting Stocks, Pillories, or Pounds, and providing Bolts and Shackles, as alſo for the conveying † of perſons accuſed of any treaſon or felony, to the county goal, being three miles diſtance or upwards, ſo as the ſame do not exceed ſix pence per mile; as likewiſe for the ſupport of poor criminals in goal.

Eng. ſtat. 11 and 12. Wil. 3. c. 19. ſec. 1. directs rates for repair of Goals.

Grand Juries to preſent what ſums are neceſſary to be raiſed for building and repairing a Goal, &c.

† Eng. Stat. 3. Jac. 1. c. 10. ſec. 1.

III.

Monies to be paid into the Treaſurer's hands, &c.

III. *And be it alſo further enacted*, That all money ſo raiſed by preſentment as aforeſaid, and levied from off the inhabitants of the ſeveral counties, ſhall be paid into the hands of the County Treaſurer, and ſhall not be applied to any other uſe than ſuch for which the ſame was raiſed; and if any perſon or perſons who ſhall be appointed in the ſaid preſentment and order thereon, to be the director or directors, overſeer or overſeers of the work, or the diſtributor or diſtributors of the money hereby raiſed, for which ſuch preſentment was made, ſhall not at the next General Aſſizes or General Seſſions of the County, or in a reaſonable time to be by them appointed, make appear in his or their account or accounts, with good vouchers, that the money ſo raiſed and received by him or them, ſhall have been expended purſuant to ſaid preſentment to the uſe of the county, he, or they ſhall ſtill be chargeable with the ſame; and every perſon ſo accountable for any public money ſhall, when required by the Juſtices at their General Seſſions or by the Judges of Aſſize at their General Gaol Delivery, make up their accounts on oath, and if ſuch accountants ſhall neglect to make a fair and juſt account of all ſuch public money or ſhall upon ſuch accounts be found to have ſuch money or any part thereof remaining in his or their hands, ſuch accountants ſhall forthwith pay ſuch money into the hands of ſuch perſons, as ſhall by ſuch Grand Jury and Juſtices of the Peace or Judges of Aſſize, be preſented and ordered for the uſe of ſuch county where ſuch public money ſhall be raiſed; and in default thereof ſuch perſon or perſons ſo accountable, ſhall by the Juſtices at their ſaid Seſſions or Judges of Aſſize at their reſpective Aſſizes be committed to the common goal, in execution, until ſuch accounts ſhall be made and balance paid, or ſufficient ſureties given for the ſame.

For the uſe of the County.

No preſentment to be confirmed till the laſt day of the Court's ſitting.

IV. *Provided always, and be it enacted*, That no preſentment for the raiſing money as aforeſaid, ſhall be confirmed by the Judges of Aſſize or the Juſtices in General Seſſions, until the laſt day of the ſitting of the ſaid Court of Aſſize or General Seſſions of the Peace, and ſuch preſentment ſo made ſhall be poſted up in the Court Houſe from the time of its being made till the ſame is confirmed, to the end that all perſons concerned may have notice thereof, and object againſt and traverſe the ſame, if they ſee convenient.

Ten pounds per Ann. to be allowed to the Treaſurer for his ſervices.

Three Aſſeſſors to be appointed by the Grand Jury and ſworn.

Perſons refuſing to accept, forfeit 40s. and another to be appointed.

V. *And be it further enacted*, That it ſhall be lawful for the ſeveral grand Juries in each county in this province, at the Aſſizes and at the General Seſſions of the Peace to make preſentment if they think fit, and for the Judges and Juſtices to confirm the ſame, for the raiſing any ſum not exceeding ten pounds per annum, to be paid to the Treaſurer of each county for his ſervices in that ſtation; and alſo that it ſhall and may be lawful for ſaid Grand Juries to preſent three or more good and ſufficient freeholders for every townſhip in ſaid county, to be aſſeſſors for ſaid townſhip, who are to be approved of by the Court, and are to be ſworn by the ſaid Court, or before any one of His Majeſty's Juſtices of the Peace, to the due and faithful execution of the office to which they are appointed, and that without favour or affection, hatred or malice, to the beſt of their ſkill and knowledge; and in caſe any perſon, who may be appointed as aſſeſſor as aforeſaid, and ſhall refuſe to accept the ſaid office, another perſon ſhall immediately be appointed in his ſtead by the Court, or by any two of his Majeſty's Juſtices of the Peace, and the perſon ſo refuſing ſhall forfeit the ſum of forty ſhillings, to be recovered by bill, plaint, or information in any of His Majeſty's Courts of Record, or before any two of His Majeſty's Juſtices, and be paid to the Treaſurer of the county, for the uſe of the county wherein ſuch aſſeſſor was appointed.

Judges of Aſſize or Juſtices of Seſſions, to determine each town's proportion.

To be levied by warrant from two Juſtices.

VI. *And be it alſo further enacted*, That the Judges of Aſſize or Juſtices in General Seſſions for each county, ſhall agree and determine each reſpective town's proportion of the ſum ſo preſented and confirmed by the Court; and the ſum ſo proportioned, ſhall be aſſeſſed on the inhabitants in each townſhip, in the juſteſt and moſt equal manner they can deviſe, and the ſame ſhall be levied by the Conſtables of the ſaid townſhips reſpectively, by warrant under the hand and ſeal of any two of His Majeſty's Juſtices of the Peace for the ſaid county, and in caſe

caſe of refuſal, by diſtreſs and ſale of the goods and chattels of the perſon refuſing or neglecting to pay the ſums aſſeſſed on them as aforeſaid, with the charge of ſuch diſtreſs and ſale, returning the overplus, if any; and in caſe any perſon or perſons ſhall think themſelves aggrieved by ſuch aſſeſſment, or levying thereof, they ſhall be at liberty to appeal to the next General Seſſions held for the county, who are finally to determine the ſame; and the money, when ſo levied, ſhall be paid into the hands of the county treaſurer, who is to pay the ſame to the perſons, as directed in the preſentment.

Perſons aggrieved may appeal to the next Seſſions.

VII. *And be it enacted*, That the treaſurer in each county ſhall make up his accounts upon oath of all his receipts and payments, at every Court of Aſſize or General Seſſions held for ſaid county, to be approved or diſapproved by ſaid Courts, and the ſame ſhall be filed in the office of the clerk of the peace for ſaid county; and no treaſurer or other perſon or perſons concerned, is to compound for any money to be raiſed on ſaid county, nor make any deduction whatſoever for any ſum he or they ſhall pay to any perſon or perſons, but ſuch as he or they ſhall account for by proper vouchers; and if any treaſurer ſhall offend herein, or neglect to make up his account as aforeſaid, he ſhall for ever be incapable to ſerve as treaſurer again, and be committed to goal without bail or mainprize, until he fairly accounts with the Court of Aſſize or General Seſſions of the Peace held for ſuch town or county, and from the ſaid Court to receive a certificate of his having paſſed his accounts to their approbation.

Treaſurer to make up his accounts at every Court of Aſſize or General Seſſions.

CAP. VII.

An ACT for regulating Servants.

Acts in amendment of or addition to this Act, ſee 28th Geo. 3d. c. 6.

Preamble.

WHEREAS *great damage and inconveniences have ariſen, and daily do ariſe by apprentices and bound and hired ſervants, deſerting and leaving their ſervice without a legal diſcharge; for prevention whereof, be it enacted by the Governor, Council, and Aſſembly*, That from and after the publication hereof, all ſervants bound by indenture, or hired ſervants for any time not leſs than ſix months, at the expiration of the term for which they were bound or hired to ſerve, ſhall have from their maſter or miſtreſs a certificate or diſcharge of ſuch ſervants having ſerved his or her time, which ſhall be a ſufficient warrant for any perſon to entertain or take ſuch ſervant into his or her ſervice, and the perſon hiring ſuch ſervant ſhall take his or her certificate or diſcharge, and keep it until the time, then contracted for, be expired; and if any perſon ſhall knowingly take into his or her ſervice, or knowingly harbour or entertain, any perſon who has been in any former ſervice, without ſuch certificate or diſcharge, ſuch perſon being thereof convicted at the General Seſſions of the Peace, held for the county or place where ſuch offence ſhall be committed, ſhall forfeit ten pounds; to be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant from ſuch General Seſſions; one moiety of which forfeiture ſhall be to the poor of the townſhip where the offender reſides, and the other moiety to the informer who ſhall diſcover and proſecute the ſame.

Vide ſtatute enacted in Ireland, 2. Geo. 2. c. 17. ſect. 3, 4, 5, and 7. to the ſame effect, with the 1ſt and 2d. ſections of this Act.

Servants hired for any term not leſs than ſix months, to have a certificate from their maſter or miſtreſs, when diſcharged.

Any perſon harbouring or entertaining any ſervant without ſuch certificate, to forfeit 10l.

II. *Provided always*, That in caſe any perſon ſhall refuſe to give his or her ſervant a certificate or diſcharge as aforeſaid, ſuch ſervant may apply to ſome neighbouring Juſtice of the Peace of the county wherein ſuch maſter or miſtreſs inhabits, who ſhall give notice to the maſter or miſtreſs of ſuch ſervant, and require from them reſpectively the reaſon why ſuch ſervant is refuſed ſuch diſcharge and certificate of his or her ſervice; and in caſe no regard be paid to ſuch notice, within five days, or that the Juſtice ſhall ſooner, by a reply to ſuch notice, find that the cauſe of the refuſal of ſuch diſcharge or certificate was not ſufficient, the ſaid Juſtice is required to give a certificate thereof, or of ſuch reaſons as the maſter or

If any maſter refuſe to give his certificate to his ſervant upon his diſcharge, he may apply to a Juſtice of the Peace, who ſhall inquire into the circumſtances.

miſtreſs gave for refuſing ſuch diſcharge or certificate, that ſuch perſon who is about to hire ſuch ſervant, may be apprized of ſuch ſervant's behaviour, and judge thereof before he or ſhe hires ſuch ſervant, for which certificate no fee ſhall be paid; and the ſaid certificate ſhall be as good as if the ſame had been given by ſuch maſter or miſtreſs; and any ſervant who ſhall be convicted of counterfeiting or producing a counterfeited certificate, under the hand of any maſter or miſtreſs, or Juſtice of the Peace, by the oath of one or more witneſſes, or by ſuch ſervant's own confeſſion, before two of His Majeſty's Juſtices of the Peace, ſhall be publickly whipped at the diſcretion of ſuch Juſtices.

Any ſervant counterfeiting any certificate to be publickly whipped.

III. *And be it further enacted*, That all bound or hired ſervants as aforeſaid, who ſhall deſert or abſent themſelves from their maſter or miſtreſs's ſervice, ſhall be liable to make ſatisfaction by ſervice, after the time by indenture or agreement is expired, double their time of ſervice ſo neglected, and if the time of their deſertion or abſence was at ſeed time or harveſt, or during the fiſhing ſeaſon, and the charge of recovering them extraordinary, the Court of General Seſſions of the Peace, before whom the complaint ſhall be made, ſhall adjudge a longer time of ſervice proportionable to the damage the maſter ſhall make appear he hath ſuſtained.

Servants who ſhall deſert or abſcond, to make ſatisfaction by ſerving double the time, on the order of the Seſſions.

IV. *And whereas the adjudging the time ſuch bound or hired ſervant ſhould ſerve, is often referred until the time by indenture or agreement is expired, when the meaſure of ſuch further ſervice may be rendered difficult to aſcertain; be it enacted*, That the maſter or miſtreſs of any ſervant ſo deſerting or abſenting themſelves, that intends to take the benefit of this Act, ſhall ſo ſoon as he or ſhe hath recovered ſuch ſervant, carry him or her to ſome one of His Majeſty's Juſtices of the Peace, and there declare and prove the time of his or her abſence, and the charge he hath been at in his or her recovery, which Juſtice thereupon ſhall grant his certificate thereof, and the Court ſhall and may, on ſuch certificate, paſs judgment for the time ſuch ſervants, ſo deſerting or abſenting themſelves, ſhall ſerve for his or her abſence.

Complaint to be firſt made to a Juſtice of the Peace.

V. *And be it alſo enacted*, That every maſter or miſtreſs ſhall provide for his or her ſervant according to the tenor of their agreement, and any bound or hired ſervant as aforeſaid, having juſt cauſe of complaint againſt his or her maſter or miſtreſs for cruel and bad uſage, may and ſhall, on application to two of his Majeſty's Juſtices of the Peace, be heard concerning the ſame; *Provided*, ſuch complaint be made within a reaſonable time, not exceeding ten days after the cauſe given, unleſs ſuch ſervant is prevented by his or her maſter or miſtreſs, or by ſickneſs; and if the ſaid Juſtices ſhall find by ſufficient proof, that the ſaid ſervant's cauſe of complaint is well founded, the ſaid Juſtices are hereby required to make an order for the relief of ſuch ſervant by diſcharging him or her from their ſervice, or otherwiſe as they may ſee fit, and if either party ſhall not be ſatisfied with the order of the ſaid two Juſtices, they may appeal to the next Court of General Seſſions of the Peace, where the matter ſhall be finally determined.

Complaints of ſervants for cruel and bad uſage, to be determined by two Juſtices.

Appeal to the Seſſions.

VI. *And be it alſo further enacted*, That no maſter of any private ſhip, or veſſel of war, or maſter of any merchant ſhip or veſſel, coming into, tarrying or abiding in, or going forth from any port, harbour or place within this province, ſhall receive, harbour, entertain, conceal or ſecure on board ſuch ſhip or veſſel, or ſuffer to be there harboured or detained, any bound or hired ſervant as aforeſaid, knowing them to be ſuch, without licence or conſent of his or her maſter or miſtreſs in writing, under his or her hand, firſt had and obtained, on pain of forfeiting ten pounds for every ſuch offence; which forfeiture ſhall be applied and diſpoſed of, as is directed in and by the firſt clauſe of this Act, and ſhall be recovered by bill, plaint, or information in any of His Majeſty's Courts of Record in this province.

Maſters of veſſels not to harbour, &c. any bound or hired ſervant,

on penalty of 10l.

VII. *And whereas it often happens that indented apprentices, or ſervants, are contracted with in Great-Britain, Ireland, or other of His Majeſty's Dominions, and imported into this province, and there aſſigned over to the inhabitants thereof, without the previous knowledge or conſent of ſuch apprentice*

tice or ſervatn ; Be it therefore enacted, That before any inhabitant ſhall accept of the aſſignment of any ſuch indenture, he ſhall, with the parties, go before ſome one or more of His Majeſty's Juſtices of the Peace, who ſhall examine whether the indenture propoſed to be aſſigned, be made and executed agreeable to law, and whether the apprentice, or ſervant, has any legal objection to the aſſignment thereof, and to determine the validity of ſuch objections ; a certificate of which judgment ſhall be recorded by ſaid Juſtice or Juſtices.*

Indentures of ſervants hired in Great-Britain, &c. to be examined by a Juſtice before they are aſſigned.

VIII. *And be it further enacted*, That if any ſervant ſhall engage and contract himſelf with any perſon or perſons, carrying on the fiſhery, in the capacity of a ſalter, ſplitter, or ſhoreſman, and ſhall, upon trial, be found incapable, and unqualified to diſcharge the duty of the ſtation, for which he ſhall have contracted himſelf, ſuch ſervant, upon due proof of his incapacity before any one of His Majeſty's Juſtices of the Peace, ſhall forfeit and loſe all wages due to him for his ſervice in ſuch employment, whereof he ſhall be ſo found incapable.

Perſons engaging in the fiſhery as a ſalter, &c. and not capable of his duty, to forfeit his wages.

* Qu. and vide Brit. Stat. 4. Geo. 1. c. 11. extended to all His Majeſty's dominions in America, ſec. 5. for binding infants to ſervice by tranſportation to America—and ſec. 3. for tranſporting convicts, &c.

CAP. VIII.

An ACT in amendment of an Act, for confirming Titles to Lands, and quieting Poſſeſſions.

For Acts in amendment or addition to this Act ſee note on 32d. Geo. 2d. cap. 2.

WHEREAS *by a reſolution or Act of the Governor and Council of this province, made before the calling a General Aſſembly, and afterwards confirmed by the General Aſſembly of this province, it is, among other things, reſolved*, 'That the regiſter for the time being or his deputy, ſhall 'be allowed for the entry of every memorial as is by this Act directed to be regiſtered, the 'ſum of one ſhilling and no more, in caſe the ſame do not exceed two hundred words, and if 'more, then after the rate of ſix pence an hundred, for all the words contained in ſuch me- 'morial, over and above the firſt two hundred words, and the like fees for the like number 'of words contained in every certificate or copy given out of the ſaid office, and no more ; 'and for every ſearch in the ſaid office, one ſhilling, and no more.' *And whereas by an Act made and paſſed in the thirty ſecond year of His late Majeſty's reign, entitled*, An Act for confirming titles to Lands and quieting poſſeſſions, *it is enacted*, 'That the regiſter of deeds and conveyances in this 'province, ſhall for the future in lieu of any memorial, regiſter all deeds and conveyances in 'words at full length, for which he ſhall demand and receive ſuch fees for regiſtering, as in like 'manner hath been heretofore allowed ;' *which fees have been found an inſufficient recompence for the 'attendance and trouble neceſſarily attending the due execution of that office, as required by the aforeſaid Acts, Be it therefore enacted by the Governor, Council and Aſſembly*, That from and after the publication hereof, the regiſter of deeds and conveyances in this province, or his deputy, ſhall and may demand and receive the ſum of two ſhillings for every deed regiſtered purſuant to the aforeſaid Act, in caſe the ſame do not exceed two hundred words, and if more, then after the rate of one ſhilling an hundred for all the words contained in ſuch deed over and above the firſt two hundred words ; and the like fees for the like number of words contained in any copy, given out of the ſaid office ; and for every certificate one ſhilling, and for every ſearch in the ſaid office, one ſhilling, and no more ; any law, uſage or cuſtom to the contrary notwithſtanding

Preamble.

Regiſter's fees eſtabliſhed.

CAP.

CAP. IX.

An ACT to impower the Province Treaſurer to iſſue ſmall Notes in exchange for the large Notes that have been iſſued heretofore, in virtue of the ſeveral Loan Acts made and paſſed by the General Aſſembly of this Province.

This Act executed and the notes paid.

CAP. X.

An ACT to eſtabliſh the number of Repreſentatives to be elected in the ſeveral Counties and Townſhips which are now eſtabliſhed in this Province.

* The Governor is by an inſtruction from His Majeſty reſtrained from increaſing the number of Repreſentatives, under the 2d ſection of this Act, until His Majeſty's pleaſure be firſt known.

Acts in addition to this Act, 25th. Geo. 3d. cap. 5. 29th. Geo. 3d. cap. 10. 32d. Geo. 3d. cap. 8. 37th. Geo. 3d. cap. 3.

Number of Repreſentatives eſtabliſhed for the ſeveral towns and counties.

BE *it enacted by the Governor, Council and Aſſembly*, That the ſeveral counties and townſhips herein after named ſhall be entitled to elect, in manner and form as has heretofore been accuſtomed in the county and town of Halifax, the number of perſons to ſit as repreſentatives in General Aſſembly, as follows: for the county of Halifax, four; for the county of Annapolis, two; for the county of Lunenburgh, two; for the county of King's County, two; for the county of Cumberland, two; for the county of Queen's County, two; for the county of Sunbury, two; for the townſhip of Halifax two; for the townſhip of Truro, one; for the townſhip of Onſlow, one; for the townſhip of Annapolis, one; for the townſhip of Granville, one; for the townſhip of Lunenburg, one; for the townſhip of Horton, one; for the townſhip of Cornwallis, one; for the townſhip of Falmouth, one; for the townſhip of Newport, one; for the townſhip of Cumberland, one; for the townſhip of Liverpool, one; for the townſhip of Sackville, one.

Townſhips of Barrington, &c. when they conſiſt of 50 families reſident, to ſend one Repreſentative.

II. *And be it alſo enacted*, That when the townſhips of Barrington, Yarmouth, Cheſter, Dublin, Amherſt, St. John's Windſor, Wilmot, on the river Annapolis, Louiſbourg and Wilmot Town at Canſo, ſhall conſiſt of fifty families reſident, and an authentic certificate thereof ſhall be laid before the Governor, Lieutenant-Governor, or Commander in Chief of the Province, each and every of the ſaid townſhips ſhall be entitled to elect, in manner as aforeſaid, one perſon as a repreſentative in General Aſſembly.

CAP. XI.

An ACT for the Summary Trial of Actions.

Temporary Acts in amendment or addition to this Act, 7th. Geo. 3d 11th. Geo. 3d. 13th, and 14th. Geo. 3d. 14th, and 15th Geo. 3d. 15th. Geo. 3d. 16th. Geo. 3d. 2d. Seſſion, 32d. Geo. 3d. 41ſt. Geo. 3d.

The Supreme Court, and Inferior Courts to proceed in a ſummary way in cauſes not exceeding 10l.

Subject to a writ of error.

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

WHEREAS *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 Supreme Court and the Inferior Courts of Common Pleas within this province, be and are hereby impowered 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 Supreme Court, when the judgment ſhall exceed five pounds.

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

der a jury to try the ſame, any former law of this province to the contrary notwithſtanding.

Any one Juſtice of the Court may take the confeſſion of the debtor, and grant execution thereon.

III. *And be it further enacted*, That any one of the Juſtices of the Supreme Court or Courts of Common Pleas within this province, is hereby impowered 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 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 impowered 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.

Cauſes not exceeding 20s. to be ſued before one Juſtice of the Peace, above 20s. and under 3l. 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 impowered 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.

In 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 thereon, 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 to be left with the defendant.

A copy of which ſhall be left with the defendant at his laſt place of abode, at leaſt ſeven days before the trial.

Execution to be againſt goods and chattels.

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.

Act to continue two years.

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.

CAP.

CAP. XII.

Expired.

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

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, 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, 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.*

* In the time of Benjamin Green, Eſq. commanding as ſenior Counſellor; Jonathan Belcher, Chief Juſtice and Preſident of the Council; William Neſbit, Speaker, and Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Eſq. Clerk of Aſſembly.

CAP. I.

For Acts in amendment of this Act, ſee note on 3d. and 4th Geo. 3d. cap. 2.

An ACT, for the making perpetual an Act, made and paſſed in the fourth Year of His Majeſty's Reign, entitled, An Act for preventing Nuiſances, by Hedges, Wears, and other Incumbrances, obſtructing the paſſage of Fiſh in the Rivers of this Province.

BE *it enacted by the Commander in Chief, Council and Aſſembly*, That an Act, entitled, An Act for preventing nuiſances, by hedges, wears, and other incumbrances, obſtructing the paſſage of fiſh in the rivers of this province, ſhall be, and the ſame is hereby made perpetual, any proviſo or limitation in the ſaid Act notwithſtanding.

CAP. II.

Repealed by 29th. Geo. 3d. cap. 1. ſec. 15.

An ACT, in amendment of an Act, made and paſſed in the thirty-third year of His late Majeſty's reign, entitled, An Act for eſtabliſhing a Public Market at the Market Houſe in Halifax, and for regulating the ſame.

CAP.

CAP. III.

An ACT for the more effectual recovery of His Majeſty's Dues in the Iſlands of Cape-Breton, St. John's, and Iſlands adjacent.

Theſe iſlands being now ſeparate Governments, this Act is not re-printed.

CAP. IV.

An ACT for extending an Act made and paſſed in the thirty-ſecond year of His late Majeſty's reign, entitled, An Act for preventing Perſons leaving the Province without a Paſs.

See Act of 32d. Geo. 2d. c. 23.

WHEREAS *ſome doubts have ariſen whether an Act made and paſſed in the thirty-ſecond year of His late Majeſty's Reign, entitled,* An Act for preventing perſons leaving the Province without a Paſs, *doth extend throughout this province; Be it enacted and reſolved, by the Commander in Chief, the Council, and Aſſembly,* That the ſaid Act and every clauſe and article therein contained, be conſtrued to extend and ſhall extend to the whole province, and that all paſſes ſhall be given out either by the ſecretary of the province, or by ſuch perſons as he has or ſhall depute for that purpoſe.

Preamble.

Extended throughout the Province.

CAP. V.

An ACT in further addition to and amendment of an Act made and paſſed in the thirty-third year of His late Majeſty's reign, entitled, An Act relating to the aſſize on Bread, and for aſcertaining the Standard of Weights and Meaſures.

This Act repealed by 36th. Geo. 3d.

CAP. VI.

For Acts in amendment or alteration of this Act, ſee note on 32d. Geo. 2d. cap. 10.

An ACT againſt Foreſtallers and Regrators.

BE *it enacted by the Commander in Chief, Council and Aſſembly,* That from and after the publication hereof, whatſoever perſon or perſons ſhall buy or cauſe to be bought any victuals of any kind whatſoever, coming by land or water towards any market or fair already eſtabliſhed, or that may hereafter be eſtabliſhed in this province, to be ſold in the ſame, (except at the diſtance of ten miles at leaſt from the place where ſuch market or fair is to be held or kept) or ſhall make any bargain, contract, or promiſe, for the having or buying the ſame or any part thereof, or ſhall make any motion by word, letter, meſſage, or otherwiſe, to any perſon or perſons, for the enhancing the price or dearer ſelling any kind of victuals or proviſion for the uſe of man, coming by land or water towards any market or fair as aforeſaid, ſhall be deemed and adjudged a foreſtaller.

Who ſhall be deemed a foreſtaller.

II. *And be it further enacted,* That whatſoever perſon or perſons ſhall by any means, regrate, obtain, or get into his or their hands or poſſeſſion, in any fair or market, any corn, hay, fiſh, ſheep, lambs, calves, beef, ſwine, pigs, geeſe, capons, hens, chickens, pidgeons, hares, or other dead victuals whatſoever, that ſhall be brought to any fair or market whatſoever within this province

Who ſhall be deemed a regrator.

province to be ſold, and do ſell the ſame again in any fair or market holden or kept in the ſame place, within one month after purchaſing or receiving the ſame, ſhall be accepted, reputed and taken for a regrator or regrators.

Perſons guilty of foreſtalling or regrating to be fined not exceeding 10l.

or to ſuffer two months impriſonment.

III. *And be it alſo further enacted*, That any perſon or perſons who ſhall be guilty of foreſtalling or regrating contrary to the intent and meaning of this Act, and ſhall be duly convicted in any of His Majeſty's Courts of General Seſſions of the Peace for the county where the offence is committed, ſhall be fined at the diſcretion of ſaid Court, in any ſum not exceeding ten pounds, and for non payment of his or their fine, to ſuffer impriſonment at the diſcretion of the Court, not exceeding two months for each and every offence; and that one moiety of the ſaid fine and forfeiture, be for the uſe of the poor of the town where the offence has been committed, and the other moiety to him or them who ſhall ſue for the ſame.

CAP. VII.

An ACT concerning Schools and Schoolmaſters.

Acts in amendment or addition to this Act, 20th. Geo. 3d. cap. 3. 26th. Geo. 3d. 2d. ſeſſion cap. 1. 30th. Geo. 3d. cap. 4, and temporary law 34th. Geo. 3d.

Eng. ſtat. 1. Jac. 1. c. 4. ſec. 9.

No perſon to ſet up a ſchool until he ſhall be examined by the Miniſter, &c. of the town, as to his qualifications for the inſtruction of children, to be certified to the Governor, &c. in order for his obtaining a licence.

Any perſon ſetting up a ſchool without licence to forfeit 3l. for every offence.

Eng. ſtat. 12. and 13. Will. 3. c. 4.

Schoolmaſters to take the oaths.

Eng. ſtat. 13. Will. 3. c. 6. Brit. ſtat. 1. Geo. 1. c. 13. ſec. 1.

Any popiſh recuſant who ſhall ſet up a ſchool, ſhall forfeit 10l. and ſuffer 3 months impriſonment.

* See 26th. Geo. 3d. 2d. ſeſſ. c. 1.

400 acres of land in each townſhip to be veſted in truſtees for the uſe of ſchools.

BE *it enacted by the Commander in Chief, Council, and Aſſembly*, That no perſon hereafter ſhall ſet up or keep a grammar ſchool within this province, till he ſhall have firſt been examined by the miniſter of ſuch town wherein he propoſes to keep ſuch grammar ſchool, as to the qualifications for the inſtruction of children in ſuch ſchools; and where no miniſter ſhall be ſettled, ſuch examination ſhall be made by two Juſtices of the Peace, for the county, together with a certificate from at leaſt ſix of the inhabitants of ſuch town, of the morals and good conduct of ſuch ſchoolmaſter, which ſhall be tranſmitted to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, for obtaining a licence as by His Majeſty's royal inſtruction is directed; and that no perſon ſhall ſet up or keep a ſchool for the inſtruction of youth in reading, writing, or arithmetic, within the townſhip of Halifax, without ſuch examination, certificate and licence, or in any other manner than is before directed; and every ſuch ſchoolmaſter who ſhall ſet up or keep a ſchool contrary to this Act, ſhall for every offence, forfeit the ſum of three pounds, upon conviction before two Juſtices of the Peace of the county where ſuch perſon ſhall ſo offend, to be levied by warrant of diſtreſs, and applied for the uſe of the ſchool of the town where ſuch offence ſhall be committed.†

II. *Provided*, That no perſon ſhall preſume to enter upon the ſaid office of ſchoolmaſter, until he ſhall have taken the oaths appointed to be taken inſtead of the oaths of allegiance and ſupremacy, and ſubſcribed the declaration openly in ſome one of His Majeſty's* Courts, or as ſhall be directed by the Governor, Lieutenant Governor, or Commander in Chief for the time being, and if any popiſh recuſant, papiſt or perſon profeſſing the popiſh religion, ſhall be ſo preſumptuous as to ſet up any ſchool within this province, and be detected therein, ſuch offender ſhall, for every ſuch offence, ſuffer three months impriſonment without bail or mainprize, and ſhall pay a fine to the King of ten pounds; and if any one ſhall refuſe to take the ſaid oaths and ſubſcribe the declaration, he ſhall be deemed and taken to be a popiſh recuſant for the purpoſes ſo before mentioned.*

III. *And whereas his Majeſty has been pleaſed to order that four hundred acres of land in each townſhip, ſhall be granted to and for the uſe and ſupport of ſchools, be it enacted*, That the ſaid quantity of lands ſhall be veſted in truſtees for the ſaid purpoſe, and ſuch truſtees ſhall be and are hereby enabled to ſue and defend for and on behalf of ſuch ſchools, and to improve all ſuch lands as ſhall be moſt for the advantage and benefit thereof.

† 2. Stra. 1013. 1. Peere Williams 32. Cox's caſe.

CAP.

CAP. VIII.

An ACT for preſcribing the Forms of Writs, and the manner of iſſuing the ſame. Expired.

CAP. IX.

An ACT to prevent the multiplicity of Law Suits. Expired.

CAP. X.

An ACT concerning Bail. Expired.

CAP. XI.

An ACT for the eſtabliſhment of Fees, as regulated by the Governor and Council, at the requeſt of the Houſe of Aſſembly. Expired

CAP. XII.

An ACT for continuing an Act made and paſſed in the fourth year of His Majeſty's Reign, entitled, an Act for laying a Duty upon Billiard Tables, and Shuffle Boards. Expired.

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, 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, 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.*

* In the time of Michael Franklin, Lieutenant Governor, Jonathan Belcher, Chief-Juſtice and Preſident of Council, William Nelbit, Speaker; Richard Bulkeley, Secretary of Council, Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT to prevent the cutting or breaking down the Bank of any River, Seabank, or Dykes.

Preamble.

Brit. ſtat. 6. Geo. 2. c. 37. ſect. 5. and 3. Geo. 2. c. 42. ſect. 3.

WHEREAS *there are large tracts of marſh lands within this province dyked in, great part of which are, at this time, under actual improvement, from which great advantages muſt ariſe; and as the dyking and draining thoſe lands are attended with a very great expence, which expence and advantages may be loſt, to the ruin of many induſtrious perſons, by wicked and evil minded perſons cutting or deſtroying ſaid dykes, or the piles or pickets which are drove into the ſaid marſhes, their banks or dykes; for remedy whereof, be it enacted by the Lieutenant-Governor, Council, and Aſſembly,* That if any perſon or perſons, from and after the publication of this Act, ſhall unlawfully and maliciouſly break down, or cut down the bank or banks of any river, or any ſea-bank or dykes, whereby any lands ſhall be overflowed or damaged, every perſon ſo offending, being thereof lawfully convicted, ſhall be adjudged guilty of felony, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Unlawfully breaking down the bank of any river, &c. Felony without clergy.

Any perſon cutting off, drawing up, or removing and carrying away, any piles or materials uſed for ſecuring any marſh lands, ſea walls, &c. and convicted thereof, before two Juſtices of the peace,

II. *And be it further enacted*, That if any perſon or perſons ſhall, at any time or times hereafter, unlawfully cut off, draw up or remove and carry away, any piles or other materials which are, or at any time hereafter ſhall be driven into the ground, and uſed for the ſecuring any marſh lands or ſea walls, banks, or dykes, in order to prevent the lands lying within the ſame from being overflowed and damaged, it ſhall and may be lawful to and for any two or more of his Majeſty's Juſtices of the Peace, reſiding near the place where the ſaid offence or offences ſhall be committed, and ſuch Juſtices are hereby reſpectively authorized and required, upon complaint or information upon oath of ſuch offence, to ſummon the party or parties ſo complained of, or to iſſue their warrant or warrants to apprehend and bring before them

them, the perſon or perſons ſo accuſed, complained of, or ſuſpected, and upon his, her, or their appearance, or neglect to appear, to proceed to examine the matter of fact with which he, ſhe, or they are charged, and upon due proof thereof made, either by confeſſion of the party or parties ſo accuſed, or upon the oath or oaths of one or more credible witneſs or witneſſes, to determine the ſame, and to convict the offender or offenders; and every perſon offending herein, and being thereof convicted as aforeſaid, ſhall forfeit and pay the ſum of twenty pounds; one moiety thereof to the informer, and the other moiety to the overſeers of, and for the uſe of, the poor of the townſhip or place wherein ſuch offence ſhall be committed; the ſame to be levied by diſtreſs and ſale of the offender's goods and chattels, together with the charges of ſuch diſtreſs and ſale, rendering the overplus (if any be) to the owner or owners thereof; and for want of ſufficient diſtreſs, the ſaid Juſtices are hereby required to commit the perſon or perſons convicted as aforeſaid, to the houſe of correction or common goal of the county, town or place, where the offence ſhall be committed, there to remain and be kept at hard labour for the ſpace of ſix months.

ſhall forfeit 20l.

One half to the informer, the other half to the poor.

Or ſuffer ſix months impriſonment at hard labour.

CAP. II.

An ACT in addition to and amendment of an Act, made and paſſed in the ſecond year of His preſent Majeſty's Reign, entitled, an Act for regulating the exportation of Fiſh, and the aſſize of Barrels, Staves, Hoops, Boards, and all other kinds of Lumber; and for appointing Officers to ſurvey the ſame.

For Acts in amendment ſee note on 2d. Geo. 3d c 8.

WHEREAS *the laws and regulations, made and provided, reſpecting the packing of mackarel and all other kinds of pickled fiſh within this province, do not appear to fully anſwer the purpoſes for which they were intended; Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That from and after the firſt day of January, which will be in the year of our Lord, one thouſand ſeven hundred and ſixty ſeven, all and every perſon or perſons packing mackarel, or any other kind of pickled fiſh, within this province, for ſale or exportation, ſhall brand each caſk and barrel by him or them ſo packed, on the head of ſuch caſk or barrel, with the initial letter or letters of his or their chriſtian name, and his or their ſirname at length, before he or they ſhall ſhip or expoſe the ſame to ſale, and every perſon or perſons who ſhall preſume to ſhip for exportation, or expoſe to ſale, any mackarel, or other kind of pickled fiſh, before the ſame be branded as aforeſaid, ſhall, 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 ſhillings for each and every caſk or barrel ſo exported or expoſed to ſale; one moiety thereof to the informer, and the other moiety to the overſeers of, and for the uſe of the poor of the townſhip, town or place, wherein ſuch offence ſhall be committed; the ſame to be levied by diſtreſs and ſale of the offender's goods and chattels, together with the charges of ſuch diſtreſs and ſale, rendering the overplus (if any be) to the owner or owners thereof.

Preamble.

Perſons packing Pickled Fiſh for ſale or exportation, to brand each caſk with the initial letters of their names, &c.

on penalty of 10s. for each caſk.

One half to the informer, the other half to the poor.

CAP. III.

An ACT for impowering the Juſtices of the Peace for the County of Queen's County, to hold Courts of Special Seſſions of the Peace, at Yarmouth and Barrington in ſaid County, for the ſaid Townſhips of Yarmouth and Barrington.

This Act altered by 29th Geo. 3d. cap. 5.

CAP.

CAP. IV.

This Act executed and the money re-paid.

An ACT to impower the Governor, Lieutenant-Governor, or Commander in Chief, to grant Warrants on the Treaſury for the Sum of Three Thouſand Six Hundred and Forty Eight Pounds, and Four Pence, with the Intereſt due thereon, the ſame to bear Intereſt, for the payment of ſundry perſons who have demands on the Government.

CAP. V.

Expired.

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

CAP. VI.

Expired.

An ACT in amendment of an Act, made in the third year of His preſent Majeſty's Reign, entitled, 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.

CAP. VII.

Executed.

An ACT for diſcontinuing the Bounty on Stone Walls.

CAP. VIII.

Expired.

An ACT for continuing an Act, entitled, an Act, for reviving an Act made and paſſed in the thirty-third year of His late Majeſty's Reign, entitled, 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.

CAP. IX.

Expired.

An ACT for preventing Frauds in the Revenue.

CAP. X.

Expired.

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

At

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, 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, 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.*

* In the time of Lord William Campbell, Governor; Benjamain Green, Preſident of Council; William Neſbitt, Speaker; Richard Bulkeley, Secretary of Council; Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT to prevent Treſpaſſes upon Crown Lands.

Preamble.

WHEREAS *ſundry evil minded perſons have preſumed, not only to take poſſeſſion of ungranted lands in this province, but alſo, without leave from government, to encourage ignorant perſons to ſettle on ſuch lands, without obtaining any grant thereof; which practices are highly offenſive to the honor and dignity of the Crown, Be it therefore enacted by the Governor, Council and Aſſembly*, That any perſons convicted in manner hereafter mentioned, either of poſſeſſing themſelves of any ungranted lands in this province, or that ſhall preſume to place thereon any inhabitants, or occupy ſuch lands in any manner whatever, without leave in writing firſt obtained for that purpoſe, from the Governor, Lieutenant Governor, or Commander in Chief for the time being, may and ſhall be proſecuted for the ſame, by bill, plaint or information, in any of His Majeſty's Courts of Record in this province, and upon due conviction thereof by the oath of one credible witneſs, ſhall be adjudged to forfeit and pay the ſum of fifty pounds.

Any perſons poſſeſſing themſelves of, or occupying, &c. any ungranted lands, without leave in writing from the Governor, &c. ſhall forfeit 50l.

CAP. II.

An ACT in further addition to an Act, entitled, an Act for regulating Petit Juries, and declaring the qualification of Jurors.

This Act is repealed by 36th Geo. 3d cap. 2.

CAP.

CAP. III.

For Acts in amendment or addition to this Act ſee note on 4th & 5th Geo. 3d cap. 7.

An ACT in addition to an Act made in the fourth year of His preſent Majeſty's reign, entitled, an Act to enable the Inhabitants of the ſeveral Townſhips within this Province to maintain their Poor.

Preamble.

WHEREAS *it is provided in and by an Act made in the fourth year of His preſent Majeſty's reign, entitled,* An Act to enable the inhabitants of the ſeveral townſhips within this province to maintain their poor, 'That it ſhall and may be lawful for the freeholders of 'any townſhip within this province, where there are fifty or more families, freeholders, reſident, 'to meet on the firſt Monday in January, annually, and to vote ſuch a ſum of money as they 'ſhall judge neceſſary for the current year, to ſupport and maintain their poor." *And whereas there are ſome townſhips who do not conſiſt of fifty families, freeholders, reſident, which townſhips labour under great inconveniency for want of a power to make proviſion for their poor; for remedy whereof, be it enacted by the Governor, Council and Aſſembly,* That it ſhall and may be lawful for the freeholders of all ſuch Townſhips, though they do not conſiſt of fifty families, freeholders, reſident, to meet on the firſt Monday of January, annually, and there to proceed in manner and form as is preſcribed by the afore recited Act, in the making proviſion for their poor; and that the ſaid freeholders ſhall be entitled to all the other powers and preſcriptions contained in the ſaid Act, any law, uſage, or cuſtom to the contrary in any wiſe notwithſtanding.

The freeholders of any townſhip may meet annually and make proviſion for their poor, altho' they do not conſiſt of fifty families reſident therein.

CAP. IV.

For Acts that alter or amend this Act, ſee note on 32d. Geo. 2d. cap. 21.

An ACT to explain and amend the ſeveral Acts of this Province, relating to the aſſize of Bread, and for aſcertaining the ſtandard of Weights and Meaſures.

Preamble.

WHEREAS *doubts have ariſen reſpecting the diſtribution of the ſeveral fines and forfeitures, incurred on the Acts made and paſſed by the General Aſſembly of this province, relating to the aſſize of bread and for aſcertaining the ſtandard of weights and meaſures, Be it therefore enacted by the Governor, Council and Aſſembly,* That for the future all fines and forfeitures incurred on the ſaid Acts, ſhall be applied, one half to the clerks of the market or informer, and the other half to the poor of the town where the offence ſhall be committed, any law, uſage, or cuſtom to the contrary notwithſtanding.

All fines and forfeitures to be one half to the informer, and the other half to the uſe of the poor.

CAP. V.

An ACT for regulating the Times and Places for holding the ſeveral Courts of Juſtice therein named.

Times & places aſcertained for holding the Courts for the county of Lunenburg.

BE *it enacted by the Governor, Council and Aſſembly,* That the General Quarter Seſſions of the Peace, and the Inferior Court of Common Pleas, ſhall be held for the county of Lunenburg, in the town of Lunenburg, on the ſecond Tueſday of April, and on the ſecond Tueſday of October.*

* The other places mentioned in this Act are not printed, being otherwiſe provided for by ſubſequent Acts.

CAP.

CAP. VI.

An ACT to impower the Governor, Lieutenant-Governor, or Commander in Chief, to grant Warrants on the Treaſury, for a Sum not exceeding One Thouſand Six Hundred Pounds, bearing intereſt, for ſecuring the payment of the expences of Government.

Executed and the money repaid.

CAP. VII.

An ACT, in further amendment of an Act made in the thirty-third year of His late Majeſty's reign, entitled, an Act for eſtabliſhing a Public Market at the Market Houſe in Halifax, and for regulating the ſame.

This Act repealed by 31ſt. Geo. 3d. cap. 1 ſec. 15.

CAP. VIII.

An ACT in further addition to an Act made in the thirty-ſecond year of His late Majeſty's reign, entitled, an Act for preventing Treſpaſſes.

For Acts in amendment or addition to this Act, ſee note on 32d. Geo. 2d. cap. 14.

WHEREAS *many evil minded perſons have broke open incloſures, by pulling down ſtone walls, carrying off and deſtroying fences, gates, bars, and other materials for fencing, to the great prejudice of the owners of ſuch incloſures; in order therefore to prevent and deter ſuch offenders, Be it enacted by the Governor, Council, and Aſſembly*, That if any perſon (not being the proprietor, or having legal authority,) ſhall preſume to throw down or remove any fence of ſtone wall, or any part thereof, incloſing any parcel of ground within this province, or ſhall carry away any rails, poſts, gates, bars, boards, or any other materials, whereof fences are made, or ſhall level any ditches, or cut down any hedges, ſuch perſon ſhall, upon conviction thereof before the General Seſſions of the Peace, or before any Court of Record within this province (over and above the damages given to the party injured) forfeit and pay a ſum not exceeding ten pounds; one half to His Majeſty, and the other half to the proſecutor; and if ſuch perſon ſhall be unable to pay the ſame, he ſhall be committed to the houſe of correction, there to be kept to hard labour for the ſpace of two months, or be whipped at the diſcretion of the Court.

Any perſon who ſhall throw down or remove any fence of ſtone wall, or carry away any rails, &c. (on conviction thereof before any Court of Record) ſhall forfeit 10l. beſides the damages, or if unable to pay, ſhall ſuffer two months imprisonment, or be whipt.

II. *And whereas horſes by being ſuffered to go at large on the peninſula of Halifax, frequently break into incloſures and do great damages, Be it enacted*, That all horſes that ſhall break into any incloſures, within the peninſula of Halifax, lawfully fenced, or that ſhall be found treſpaſſing therein; the owner of all ſuch horſe or horſes ſhall forfeit and pay the ſum of ten ſhillings for each and every ſuch horſe, over and above the damages; which forfeiture ſhall be recovered on proof thereof, before any one of His Majeſty's Juſtices of the Peace for the county of Halifax; one half thereof to the proſecutor, and the other half to the uſe of the poor of the town of Halifax; and where no owner ſhall appear to pay the coſts, damages, and fine, it ſhall and may be lawful for the Juſtice of the Peace, who has heard and determined the ſame, after public advertiſement given for ten days, to ſell the ſaid horſe; and the ſurpluſage, over and above the payment of the coſts, damages, and fine, to be reſtored to the owner when he appears.

Owners of horſes breaking into incloſures on the peninſula of Halifax, ſhall forfeit ten ſhillings for each horſe, beſides the damages, to be recovered before any one Juſtice of the Peace.

Where no owner ſhall appear, ſuch horſe ſhall be ſold to pay coſts, &c. the ſurplus to be reſtored to the owner, when he ſhall appear.

CAP.

CAP. IX.

Expired.

An ACT for continuing ſo much of an Act made in the fifth year of His preſent Majeſty's reign, entitled, 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, entitled, an Act for altering, amending, and prolonging an Act made in the fifth year of the Reign of His preſent Majeſty, entitled, 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.

CAP. X.

For Acts in amendment or addition to this Act ſee note on 5th Geo. 3d. c. 11.

An ACT for prolonging an Act, made and paſſed in the fifth year of His Majeſty's Reign, entitled, an Act for the Summary Trial of Actions.

Preamble.

WHEREAS *the Act made and paſſed in the fifth year of His Majeſty's Reign, entitled,* 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, entitled, 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.

Act continued for ten years.

Coſts of ſuit before Juſtices of the Peace limited.

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.

CAP. XI.

Expired.

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.

CAP. XII.

Expired.

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.

CAP.

CAP. XIII.

Expired.

An ACT for granting to His Majeſty a Duty on Wheel Carriages within 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, 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 Seventeenth Day of October, 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.*

* In the time of Michael Franklin, Lieutenant Governor; Jonathan Belcher, Chief-Juſtice and Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT in further addition to an Act, made in the Thirty Second Year of His late Majeſty's Reign, entitled, An Act for the eſtabliſhment of Religious Public Worſhip in this Province, and for ſuppreſſing of Popery.

For Acts in amendment or addition to this Act, ſee note on 32d. Geo. 2d. cap. 5.

WHEREAS *by an Act made in the thirty-third year of His late Majeſty's Reign, entitled,* An Act, in addition to an Act, entitled, An Act for the eſtabliſhment of Religious Public Worſhip in this Province, and for ſuppreſſing of Popery, *no proviſion is made for authoriſing the aſſeſſment of the inhabitants of St. Paul's in Halifax, for the payment of ſuch ſums as may be voted by the pariſhioners for any extraordinary repairs to the church of St. Paul's in the town of Halifax, or for the uſe and ornament thereof, or for the ſalaries of an organiſt, a pariſh clerk and ſexton, or for an allowance to the clerk of the veſtry, Be it therefore enacted, by the Lieutenant-Governor, Council, and Aſſembly,* That the church wardens, veſtry, and pariſhioners of the pariſh of St. Paul's, ſhall meet quarterly, that is to ſay, on the firſt Mondays in December, March, June, and September, yearly, and when ſo met, may by a vote of the majority, (*a*) of ſuch pariſhioners then preſent, as pay ſcot and lot (*a*) by being aſſeſſed for paying any contributions for and towards the ſupport of the Church of England, allot and order ſuch ſums of money as they may judge neceſſary (*b*) for and on account of repairs, and for the

Preamble. 33d. Geo. 2. c. 3. 2d ſeſſ.

The church-wardens, &c. of St. Paul's, to meet quarterly, & vote money for repairs &c. of the church

(*aa*) Burn's Eccl. Law 2. vl. p. 477. At every pariſh meeting the miniſter, whether Rector or Vicar preſides, Id. Ibid.

(*b*) 1. Bac. Abr.

the uſual goods, ſtock, furniture, ornaments, and bells of the church, and for arrears of ſalary, and other allowances to the organiſt, clerk and ſexton of the ſame, and to the clerk of the veſtry, and for all other neceſſary future church repairs, goods and ornaments, as other rates are directed to be levied, collected and received, by the afore recited Act or Acts; and likewiſe for half yearly aſſeſſments and payments of the future growing ſalaries to the organiſt, pariſh clerk and ſexton, and clerk of the veſtry; which vote or votes ſhall be binding on all the pariſhioners belonging to the ſaid pariſh church of St. Paul's, and others dwelling in the ſaid pariſh not exempted by law from paying towards the ſupport of the church of England (*c*); and ſhall be aſſeſſed by the church wardens and veſtry in juſt and equal proportions on every pariſhioner, according to their ſeveral abilities, and ſhall be collected, levied, and received by the church wardens as preſcribed by the ſaid Act.

(*c*) Burn's Eccl. Law 1. vol. 268, 269. and for the arrears of ſalaries of the Organiſt, &c. ſuch vote to be binding on all the pariſhioners, not exempted by law (*c*) Burn's Eccl. Law 2. vol. 477. and to be aſſeſſed by the church-wardens and veſtry, and collected by the church-wardens.

II. *Provided always, and be it enacted*, That the ſaid aſſeſſors ſhall not tax themſelves (*d*), but they ſhall be aſſeſſed by at leaſt three of the other pariſhioners, who ſhall be named for that purpoſe by the pariſh at their meeting for voting the ſums to be aſſeſſed.

The aſſeſſors to be aſſeſſed by 3 pariſhioners to be appointed at the meeting.

(*d*) Burn's Eccl. Law 1 vol. 223. Appeal allowed to perſons aggrieved.

III. *Provided alſo*, That if any perſon ſhall think himſelf over-rated, or otherwiſe aggrieved, he may appeal for redreſs in manner preſcribed by the afore recited Act, in caſe the ſaid rate ſhall exceed the ſum of five ſhillings, or if any ſum be unduly levied upon the ſaid pariſhioners.

This and the former Acts to extend to all churches which ſhall be erected hereafter.

IV. *And be it further enacted*, That when, and ſo often, as any other church or churches ſhall be erected within the ſaid town of Halifax, or any other town or towns of the province, and that church wardens and veſtries ſhall be appointed in the ſame, that this Act, and the ſaid former Acts, and every clauſe, direction, authority, and power, in the ſame contained, ſhall extend and be in force for all ſuch church or churches, as may ſo hereafter be erected and eſtabliſhed, in the ſame manner as if the ſaid church or churches had been expreſsly named in this and the ſaid Acts as aforeſaid.

CAP. II.

An ACT for partition of Lands in Coparcenary, Jointenancy, and Tenancy in Common, and thereby for the more effectual collecting His Majeſty's Quit Rents in the Colony of Nova-Scotia.

For Acts in amendment or addition to this Act, 8th and 9th Geo. 3d. cap. 10, 13th and 14th Geo. 3d. cap. 2. 31ſt Geo. 3d. c. 4. 37th Geo. 3d. c. 4.

Preamble.

WHEREAS for the more ſpeedy ſettlement of the province it became neceſſary to erect townſhips in divers parts of the ſame, and for inducing perſons to remove into the province, and become ſettlers and inhabitants of the ſaid townſhips, it was found requiſite by grants to the ſeveral petitioners to convey, previous to their arrival in the province, certain ſhares or rights in the reſpective townſhips, and inaſmuch as the ſaid rights could not, without greatly retarding the progreſs of the ſettlements, be ſurveyed and ſet out to each reſpective grantee by metes and bounds in ſeveralty, it was judged expedient to convey the lands in the ſaid townſhips to the perſons named in the reſpective patents as jointenants or tenants in common. And whereas many of the grantees have never arrived, or by themſelves or others taken any actual poſſeſſion of their ſhares in the ſaid townſhips, and yet by the terms and periods in the ſaid patents they are entitled and will long remain entitled to the ſaid ſhares, by reaſon whereof numerous inhabitants in the reſpective townſhips having undivided parts, are greatly oppreſſed and prejudiced, who, on account of ſuch abſentees, cannot proceed to divide their rights by private deeds of partition, nor can any ſummons be legally ſerved as againſt ſuch abſentees upon writs of partition, and for want of dividing the ſaid lands, a conſiderable part thereof is waſted and deſtroyed by frequent treſpaſſes and otherwiſe, or lie uncultivated

cultivated and unmanured, ſo that the profits of the ſame are totally, or in a great meaſure, loſt, to the injury of His Majeſty's rights in the quit rents reſpectively reſerved, as to the means of levying the ſame, and tending to the vexation of the inhabitants, by being liable to ſuits for an account of profits demandable by one tenant in common againſt another, *For remedy whereof, be it enacted by the Lieutenant-Governor, the Council and Aſſembly*, That upon the petition of any one or more of the inhabitants in each townſhip, to the Supreme Court, praying a diviſion of the lands to the proprietors in ſeveralty, according to their ſhares and rights, it ſhall and may be lawful for the ſaid Court to award a writ of partition in the uſual form (*a*) to the provoſt marſhal, to be executed by him or his deputy, in the preſence of two Juſtices of the Peace, in manner following: that is to ſay that in aſſigning the ſhares in ſeveralty, in virtue of the ſaid writ of partition, the lands actually occupied and improved ſhall be ſet off and aſſigned to all ſuch proprietors reſpectively, who have ſo occupied and improved the ſame, and that in aſſigning the rights to lands unimproved, after diviſion thereof into ſhares according to the number of grantees in each townſhip, each number ſhall be written on ſeparate papers and rolled up and placed in a box (*b*) from whence each grantee preſent ſhall, in the order wherein he is named in the patent of grant to the townſhip, draw out one of the ſaid papers, in the preſence of the jury attending the provoſt marſhal or deputy provoſt marſhal; and the number ſo drawn ſhall be expreſſed in the inquiſition by the jury, and be accordingly aſſigned by the provoſt marſhal or deputy provoſt marſhal and the Juſtices, in their return of the writ of partition (*c*); which ſhall be confirmed by the judgment of the ſaid Court; and the ſaid provoſt marſhal, or his deputy, are hereby required to give due notice to the tenants or occupiers of the lands, or if they cannot be found, to the wife, ſon or daughter, being of the age of twenty-one years and upwards, of the tenant or tenants, or to the tenant in actual poſſeſſion by virtue of any eſtate of freehold, or for term of years, or uncertain intereſt, or at will, of the lands, tenements, or hereditaments, whereof the partition is demanded, forty days before the ſaid provoſt marſhal ſhall proceed to execute the ſaid writ of partition; and if it ſhall appear to the ſaid court, upon return of the ſaid writ of partition, that any of the perſons notified neglected to appear, judgment ſhall be given by default as againſt them, and a final judgment for partition ſhall be given againſt ſuch perſons as were preſent at the time of executing the writ; and if the perſons againſt whom the judgment ſhall be ſo given by default ſhall not within fifteen days after ſerving them with notice of the ſaid judgment, apply themſelves to the the ſaid Court by motion, and ſhew a good and probable matter in bar of the ſaid partition, the ſaid judgment by default ſhall be confirmed, and final judgment entered (*d*). *Provided nevertheleſs*, that if the tenants or perſons concerned ſhall ſhew to the Court any inequality in the partition, the Court may award a new partition to be made in preſence of all parties concerned, if they will appear notwithſtanding the return and filing upon record the former; which ſaid ſecond partition returned and filed ſhall be good and firm for ever againſt all perſons, except infants (*e*), *femes covert* (*f*,) perſons of *non ſane* memory, who ſhall, within one year after the reſpective diſabilities ſhall be determined, be entitled to apply to the ſaid Court, and ſhew a good and probable matter in bar of the ſaid partition, in which caſe the ſaid judgment ſhall be ſet aſide and a new writ of partition ſhall be awarded, and executed in preſence of all parties concerned, which partition ſhall be final and concluſive againſt all perſons whatſoever. *Provided alſo*, That all perſons abſent may, within one year after ſuch judgment of partition, to be publicly notified in the Nova-Scotia Gazette, or any other public news paper three weeks ſucceſſively, by their agents or attornies, apply to the ſaid Court, and alledge any good and probable matter againſt the

Eng. Stat. 8. and 9. Will. 3. c. 31. made perpetual by 3 and 4. Ann. c. 18. ſect. 2

Upon petition of any inhabitant of any townſhip the Supreme Court may award a writ of Partition, to be executed by the Provoſt Marſhal, in preſence of two Juſtices.

Lands actually improved by any proprietors, ſhall be ſet off to them.

Shares to be ballotted for, and the numbers drawn expreſſed in the Inquiſition and confirmed by the Court.

Provoſt Marſhal to give 40 days notice to the occupiers of the Lands, &c.

Perſons duly notified, and neglecting to appear ſhall be defaulted and final judgment for partition given againſt the perſons preſent; and alſo againſt the perſons defaulted, unleſs they ſhew a probable matter in bar, within 15 days.

In caſe of Inequality, the Court may order a new partition, which ſhall bind all perſons except infants, &c.

who may have a new partition, upon ſhewing a probable matter in bar.

The like relief for abſentees.

(*a*) Regiſt. Brev. Judicial. 80. a F. N. B. 127. R. (*b*) Lit. Sect. 246. Co. Lit. 167. a. b. (*c*) Return of the Sheriff and Jurors by the words of the Writ, muſt be under the ſeals, Co. Lit. 168. b. (*d*) Co. Lit. 169. a. (*e*) Lit. Sect. 258. Co. Lit 271. a. (*f*.) Lit. Sect. 256, 257. Co. Lit. 170. b. 171. a.

in the ſecond partition no proprietor ſhall be diveſted of any Lands actually improved by him, but the equality ſhall be made out of unimproved Lands.

the ſaid partition, and ſuch new partition and judgment ſhall be had as aforeſaid; which ſhall conclude ſuch abſent perſons, and all other perſons claiming and deriving under the grants ſo paſſed by His Majeſty's government for the ſettlement and improvement of the province. *Provided likewiſe*, that in ſuch ſecond writs of partition, no lands that have been builded upon, ploughed, or otherwiſe improved *bona fide*, by the proprietor entitled under the former judgment of partition, ſhall be diveſted out of ſuch proprietor, but that the equality of partition ſhall be made out of the unimproved lands.

No plea in abatement admitted in ſuits for partition. The appellee to pay coſts when the firſt judgment is confirmed.

II. *And be it further enacted*, That no plea in abatement ſhall be admitted or received in any ſuit for partition, nor ſhall the ſame be abated by reaſon of the death of any tenant; and that in all caſes where the former judgment ſhall, upon appeal be confirmed, the perſon or perſons ſo appealing ſhall be awarded to pay coſts.

His Majeſty's Quit Rents to be recoverable out of every ſhare, and to be levied out of the profits thereof.

III. *And be it alſo enacted*, That from and out of every ſeveral ſhare ſo to be allotted and aſſigned to each and every proprietor, His Majeſty's quit rents reſerved and payable by every grantee in the reſpective patents named, ſhall be recoverable by the uſual proceſs, and be levied out of the profits and other extendible goods and chattels of ſuch reſpective ſhare; and that this Act nor any thing herein contained, ſhall extend or be conſtrued to extend to impeach or prejudice His Majeſty's rights to the ſaid quit rents, or to any forfeitures or other rights in virtue of the ſaid grants.

CAP. III.

Expired.

An ACT, in addition to an Act, entitled, an Act for granting to His Majeſty a Duty on Wheel Carriages within 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, 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 Eighteenth Day of June, 1768, in the Eighth Year of His ſaid Majeſty's Reign; being the Sixth Seſſion of the Fourth General Aſſembly convened in the ſaid Province.*

* In the time of Michael Franklin, Lieutenant-Governor; John Collier, Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; James Brenton, Clerk of Aſſembly.

CAP. I.

An ACT for determining Differences by Arbitration.

Preamble.

WHEREAS *references made by rule of Court may contribute much to the caſe of the ſubject in the determining of controverſies, becauſe the parties become thereby obliged to ſubmit to the award of the arbitrators, under the penalty of impriſonment for their contempt in caſe they refuſe ſubmiſſion, Be it therefore enacted by the Lieuenant-Governor, Council and Aſſembly*, That it ſhall and may be lawful for all merchants and traders, and others deſiring to end any controverſy, ſuit or quarrel, controverſies, ſuits or quarrels, for which there is no other remedy but by perſonal action, or ſuit in equity, by arbitration, to agree that their ſubmiſſion of their ſuit to the award or umpirage of any perſons, ſhould be made a rule of His Majeſty's Supreme Court, or of any of His Majeſty's Inferior Courts of Common Pleas within this province, which the parties ſhall chooſe, and to inſert ſuch their agreement in their ſubmiſſion, or the condition of the bond or promiſe whereby they oblige themſelves reſpectively to ſubmit to the award or umpirage of any perſon or perſons; which agreement being ſo made and inſerted in their ſubmiſſion or promiſe, or condition of their reſpective bonds, ſhall or may, upon producing an affidavit thereof made by the witneſſes thereunto, or any one of them, in the Court of which the ſame is agreed to be made a rule, and reading and filing the ſaid affidavit in Court, be entered of record in ſuch Court, and a rule ſhall thereupon be made by the ſaid Court, that the parties ſhall ſubmit to, and finally be concluded by the arbitration or umpirage which ſhall be made concerning them by the arbitrators or umpire, purſuant to ſuch ſubmiſſion; and in caſe of diſobedience to ſuch arbitration or umpirage, the party neglecting or refuſing to perform and execute the ſame, or any part thereof, ſhall be ſubject to all the penalties of contemning a rule

Eng. Stat. 9 and 10. Will. 3. c. 15

Merchants, &c deſiring to end Controverſies by Arbitration, may agree their ſubmiſſion to be made a rule of Court.

Agreement ſo made to be inſerted in their ſubmiſſion, &c.

Parties to be finally concluded by ſuch arbitration,

in caſe of diſobedience parties ſubject to penalty &c.

unleſs arbitrators miſbehaved themſelves.

rule of Court, when he is a ſuitor or defendant in ſuch Court, and the Court, on motion, ſhall iſſue proceſs accordingly, which proceſs ſhall not be ſtopped or delayed in its execution, by any order, rule, command, or proceſs, of any other Court, either of law or equity, unleſs it ſhall be made appear on oath to ſuch Court, that the arbitrators or umpire miſbehaved themſelves, and that ſuch award, arbitration, or umpirage, was procured by corruption, or other undue means.

Corrupt arbitrations void, and may be ſet aſide.

II. *And be it further enacted*, That any arbitration or umpirage procured by corruption, or undue means, ſhall be judged and eſteemed void and of none effect, and accordingly be ſet aſide by any Court of law or equity, ſo as complaint of ſuch corruption or undue practice be made in the Court where the rule is made for ſubmiſſion to ſuch arbitration or umpirage, before the laſt day of the next term after ſuch arbitration or umpirage made and publiſhed to the parties; any thing in this Act contained to the contrary notwithſtanding.

CAP. II.

An ACT for giving like remedy upon Promiſſory Notes, as is now uſed upon Bills of Exchange.

Preamble.

Eng. ſtat. 3 and 4. Ann. c. 9.

WHEREAS *it has been held that notes in writing, ſigned by the party who makes the ſame, whereby ſuch party promiſes to pay unto any other perſon, or his order, any ſum of money therein mentioned, are not aſſignable or indorſible over, within the cuſtom of merchants, to any other perſon; and that ſuch perſon to whom the ſum of money mentioned in ſuch note is payable, cannot maintain an action, by the cuſtom of merchants, againſt the perſon who firſt made and ſigned the ſame; and that any perſon to whom ſuch note ſhould be aſſigned, indorſed, or made payable, could not, within the ſaid cuſtom of merchants, maintain any action upon ſuch note, againſt the perſon who firſt drew and ſigned the ſame: Therefore to the intent to encourage the trade and commerce of this province, which will be much advanced, if ſuch notes ſhall have the ſame effect as inland bills of exchange, and ſhall be negotiated in like manner: Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That all notes in writing, made and ſigned by any perſon or perſons, or by the ſervant or agent of any merchant, trader, or other perſon or perſons, who is uſually intruſted by him, her, or them, to ſign ſuch promiſſory notes for him, her, or them, whereby ſuch perſon or perſons, his, her, or their ſervant or agent, as aforeſaid, doth or ſhall promiſe to pay to any other perſon or perſons, his, her, or their order, or unto bearer, any ſum of money mentioned in ſuch note, ſhall be taken and conſtrued to be, by virtue thereof, due and payable to any ſuch perſon or perſons, to whom the ſame is made payable; and alſo every ſuch note payable to any perſon or perſons, his, her, or their order, ſhall be aſſignable or indorſible over, in the ſame manner as inland bills of exchange are or may be, according to the cuſtom of merchants, and that the perſon or perſons, to whom ſuch ſum of money is or ſhall be by ſuch note made payable, ſhall and may maintain an action for the ſame, in ſuch manner as he, ſhe, or they might do, upon any inland bill of exchange, made or drawn according to the cuſtom of merchants, againſt the perſon or perſons, who, or whoſe ſervant or agent, as aforeſaid, ſigned the ſame; and that any perſon or perſons, to whom ſuch note that is payable to any perſon or perſons, his, her, or their order, is indorſed or aſſigned, or the money therein mentioned ordered to be paid by indorſement thereon, ſhall and may maintain his, her, or their action for ſuch ſum of money, either againſt the perſon or perſons, who, or whoſe ſervant or agent, as aforeſaid, ſigned ſuch note, or againſt any of the perſons that indorſed the ſame, in like manner as in caſes of inland bills of exchange: And in every ſuch action the plaintiff or plaintiffs ſhall recover his, her, or their damages and coſts of ſuit; and

Promiſſory notes may be aſſigned or indorſed, and action maintained thereon as on inland bills of exchange.

if

if such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them the defendant or defendants shall recover, his, her, or their costs against the plaintiff or plaintiffs, and every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such damages and costs.

Plaintiff or defendant may recover costs.

II. *And be it further enacted*, That all and every such actions shall be commenced, sued and brought, within such time as is appointed for commencing or suing actions upon the case, by the Act of this province, made in the thirty second year of His late Majesty's reign, entitled, An Act for limitation of actions, and for avoiding suits of Law.

How actions shall be brought.

CAP. III.

An ACT in addition to and further amendment of an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, An Act relating to Treasons and Felonies.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 13.

WHEREAS *it may be doubted in what county the crime of murder may be tried, where the stroke is given in one county, and death ensues in another county, or where any person shall be accessaries to murders or felonies committed in several counties, therefore, Be it enacted by the Lieutenant-Governor, Council, and Assembly*, That where any person or persons shall be feloniously stricken or poisoned in one county, and die of the same stroke or poisoning in another county, that then an indictment thereof found by jurors of the county where the death shall happen, whether it shall be found before the Coroner upon the sight of such dead body, or before the Justices of the Peace, or other Justices or Commissioners which shall have authority to enquire of such offences, shall be as good and effectual in the law as if the stroke or poisoning had been committed and done in the same county where the party shall die, or where such indictment shall be so found; any law or usage to the contrary notwithstanding: And that the Justices of Oyer and Terminer and Goal Delivery, in the same county where such indictment at any time hereafter shall be taken, shall and may proceed upon the same in all points, as they should or ought to do, in case such felonious stroke and death thereby ensuing, or poisoning and death thereof ensuing, had grown all in one and the same county. And that such party to whom appeal of murder shall be given by the law may commence, take, and sue appeal of murder in the same county where the party so feloniously stricken or poisoned shall die, as well against the principal and principals, as against every accessary to the same offences in whatsoever county or place the accessary or accessaries shall be guilty to the same. And further, the Justices before whom any such appeal shall be commenced, sued, and taken within the year and day after such murder and manslaughter committed and done, shall proceed against all and every such accessary and accessaries, in the same county where such appeal shall be so taken, as well concerning the trial by the jurors, or twelve men of such county where such appeal or appeals shall be hereafter taken upon the plea of not guilty pleaded by such offender or offenders as otherwise.

Preamble. Eng. stat. 2. and 3. Ed. 6. c. 24.

The trial of a murderer that strikes or poisons a man in one county which dieth thereof in another county.

Where an appeal of murder in the case aforesaid shall be pursued.

Appeal against the accessary.

II. *And be it further enacted*, That where any murder or felony hereafter shall be committed and done in one county, and another person or more shall be accessary or accessaries in any manner of wise to any such murder or felony in any other county, that then an indictment found or taken against such accessary and accessaries upon the circumstance of such matter before Justices of Oyer and Terminer, and Goal Delivery, appointed to enquire of felonies in the county where such offences of accessary or accessaries in any manner of wise shall be committed or done, shall be as good and effectual in the law, as if the said principal offence had been committed or done within the same county where the same indictment against such

Trial of an accessary in one county to a murder or felony done in another county.

ſuch acceſſary ſhall be found. And that every ſuch acceſſary and other offenders above expreſſed, ſhall anſwer upon their arraignments, and receive ſuch trial, judgment, order, and execution, and ſuffer ſuch forfeitures, pains and penalties, as is uſed in other caſes of felony; any law, or cuſtom to the contrary heretofore uſed in any wiſe notwithſtanding.

Eng. ſtat. 25. Ed. 3. ſtat. 5. c. 2. Petit treaſon.

III. *And whereas by the Act of this province made in the 32d year of his late Majeſty's reign, entitled,* an Act relating to treaſons and felonies, *no declaration is made reſpecting the crime of Petit Treaſon; be it therefore enacted,* That if any woman with malice prepenſe, ſhall kill or procure any other perſon or perſons to kill her huſband; or if any ſervant with malice prepenſe ſhall kill or procure any other perſon or perſons to kill his or her maſter or miſtreſs; the perſons ſo offending, their counſellors, aiders, and abettors, privy to the offence, ſhall upon due conviction, be adjudged guilty of petit treaſon, and ſuffer death without benefit of clergy accordingly.

No corruption of blood, &c. to extend to the felony of maiming.

IV. *And whereas by the ſaid Act of the Province,* relating to treaſons and felonies, *it is among other things enacted,* 'That if any perſon with malice prepenſe, ſhall kill or procure any other 'perſons to kill, or ſhall on purpoſe and of malice forethought, and by laying in wait, unlawfully cut out or diſable the tongue, put out an eye, ſlit the noſe, cut off a noſe or lip, 'or cut off or diſable any limb or member, of any perſon, with intention to kill or to maim 'or disfigure any ſuch perſon; the perſons ſo offending, their counſellors, aiders and abettors, 'privy to the offence, ſhall be felons without benefit of clergy;" *And it is thereby alſo* provided "That no attainder of ſuch felony ſhall work corruption of blood, or forfeiture of dower, 'lands, or goods of the offender." *And whereas doubts may ariſe as to what offences the ſaid proviſo was meant to extend; be it therefore enacted, and declared,* That the ſaid proviſo was meant and intended, and ſhall be conſtrued, deemed, and taken to extend only to the felony of maiming, as declared and expreſſed in the recited clauſe in the ſaid Act.

Eng. ſtat. 1 and 2. Phil. and Mar. c. 13. 2 and 3. Phil. and Mar. c. 10. The Juſtices duty in the examination and bailment of a priſoner, and in the examination of witneſſes, and certifying thereof.

V. *And be it further enacted,* That the Juſtices of the Peace before whom any perſon ſhall be brought for any murder, manſlaughter, or felony, or for ſuſpicion thereof, ſhall take the examination of ſuch priſoner, and information of thoſe that bring him, of the fact and circumſtance thereof; and the ſame, or as much thereof as ſhall be material to prove the fact, ſhall put in writing; and the ſame ſhall certify, together with the bailment of ſuch priſoner (in caſe the crime whereof ſuch priſoner is charged, is bailable) at the next Seſſions of Oyer and Terminer or Goal Delivery, to be holden within the limits of their commiſſion: And that the ſaid Juſtices ſhall bind all ſuch by recognizance or obligation, as do declare any thing material to prove ſuch murder, manſlaughter or felony againſt ſuch priſoner, to appear at the next ſeſſions of Oyer and Terminer or goal delivery, to be holden within the county where the trial of ſuch murder, manſlaughter, or felony, ſhall be, then and there to give evidence againſt ſuch priſoner; and that the ſaid Juſtices ſhall certify the ſaid bonds or recognizances taken before them, in like manner as the examinations of ſuch priſoner, and the witneſſes, are herein before directed to be certified.

CAP. IV.

An ACT for enabling the Sale of Goods diſtrained for Rent.

Eng. ſtat. 2. Will. and Mar. ſtat. 1. c. 5. Brit. ſtat. 8. Ann. c. 14. 11. Geo. 2. c. 19.

WHEREAS *the moſt ordinary and ready way for recovery of arrears of rent is by diſtreſs; yet ſuch diſtreſſes not being to be ſold, but only detained as pledges for enforcing the payment of ſuch rent, the perſons diſtraining have little benefit thereby; for the remedying whereof, Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That where any goods or chattels ſhall be diſtrained for any rent reſerved and due upon any demiſe, leaſe, or contract whatſoever, and

Goods diſtrained for rent may be appraiſed and ſold.

the

the tenant or owner of the goods ſo diſtrained ſhall not, within five days next after ſuch diſtreſs taken, and notice thereof (with the cauſe of ſuch taking) left at the chief manſion houſe, or other moſt notorious place on the premiſes charged with the rent diſtrained for, replevy the ſame with ſufficient ſecurity to be given to the ſheriff, according to law; that then in ſuch caſe, after ſuch diſtreſs and notice as aforeſaid, and expiration of the ſaid five days, the perſon diſtraining ſhall and may with the provoſt marſhal or his deputy, or with the conſtable of the town or place where ſuch diſtreſs ſhall be taken (who are hereby required to be aiding and aſſiſting therein) cauſe the goods and chattels ſo diſtrained to be appraiſed by two ſworn appraiſers (whom any Juſtice of the Peace of the county where ſuch goods ſhall be diſtrained, or ſuch provoſt marſhal or his deputy, are hereby impowered to ſwear) to appraiſe the ſame truly according to the beſt of their underſtandings; and after ſuch appraiſement ſhall and may lawfully ſell the goods and chattels ſo diſtrained, for the beſt price can be gotten for the ſame, towards ſatisfaction of the rent for which the ſaid goods and chattels ſhall be diſtrained, and of the charges of ſuch diſtreſs, appraiſement and ſale, leaving the overplus (if any) in the hands of the ſaid provoſt marſhal, his deputy, or conſtable, for the owner's uſe.

II. *And whereas no ſheaves or cocks of corn looſe or in the ſtraw, or hay in any barn, or on any hovel, ſtack or rick, can by the law be diſtrained, or otherwiſe ſecured for rent, whereby landlords may be oftentimes cozened and deceived by their tenants, who may ſell their corn, grain and hay, to ſtrangers, and remove the ſame from the premiſes chargeable with ſuch rent, and thereby avoid the payment of the ſame, Be it further enacted by the authority aforeſaid,* That it ſhall and may be lawful to and for any perſon or perſons having rent arrear, and due upon any ſuch demiſe, leaſe, or contract as aforeſaid, to ſeize and ſecure any ſheaves or cocks of corn, or corn looſe, or in the ſtraw, or hay lying or being in any barn, or upon any hovel, ſtack, or rick, or otherwiſe upon any part of the land or ground charged with ſuch rent, and to lock up or detain the ſame in the place where the ſame ſhall be found, for or in the nature of a diſtreſs, until the ſame ſhall be replieved upon ſuch ſecurity to be given as aforeſaid; and in default of replevying the ſame as aforeſaid, within the time aforeſaid, to ſell the ſame after ſuch appraiſement thereof to be made; ſo as nevertheleſs ſuch corn, grain, or hay ſo diſtrained as aforeſaid, be not removed by the perſon or perſons diſtraining, to the damage of the owner thereof, out of the place where the ſame ſhall be found and ſeized, but be kept there, as impounded, until the ſame ſhall be replieved, or ſold in default of replevying the ſame within the time aforeſaid.

Corn, looſe, &c. may be diſtrained and ſold.

III. *And be it further enacted,* That upon any pound breach or reſcuous of goods or chattels diſtrained for rent, the perſon or perſons grieved thereby, ſhall, in a ſpecial action upon the caſe, for the wrong thereby ſuſtained recover his and their treble damages and coſts of ſuit, againſt the offender or offenders in any ſuch pound breach or reſcuous, any or either of them or againſt the owners of the goods diſtrained in caſe the ſame be afterwards found to have come to his uſe or poſſeſſion.

Treble Damages for Pound Breach.

IV. *Provided always, and be it further enacted,* That in caſe any ſuch diſtreſs and ſale, as aforeſaid, ſhall be made by virtue or colour of this preſent Act, for rent pretended to be arrear and due, where in truth no rent is arrear or due to the perſon or perſons diſtraining, or to him or them in whoſe name or names, or right, ſuch diſtreſs ſhall be taken as aforeſaid, that then the owner of ſuch goods or chattels diſtrained and ſold as aforeſaid, his executors or adminiſtrators, ſhall and may, by action of treſpaſs, or upon the caſe, to be brought againſt the perſon or perſons ſo diſtraining, any or either of them, his, or their, executors or adminiſtrators, recover double of the value of the goods or chattels, ſo diſtrained and ſold, together with full coſts of ſuit.

Double Damages and Coſts againſt wrongful Diſtrainer.

V. *And be it further enacted,* That no goods or chattels whatſoever, lying or being in or upon any meſſuage, lands or tenements, which are or ſhall be leaſed for life or lives, term of years, at will, or otherwiſe, ſhall be liable to be taken by virtue of any execution, on any pre-

No Goods, &c. to be taken in execution, &c. unleſs the party,

before removal of the Goods, &c. pay the Landlord the rent due.

tence whatſoever, unleſs the party, at whoſe ſuit the ſaid execution is ſued out, ſhall, before the removal of ſuch goods from off the ſaid premiſes, by virtue of ſuch execution or extent, pay to the landlord of the ſaid premiſes, or his bailiff, all ſuch ſum or ſums of money as are or ſhall be due for rent for the ſaid premiſes at the time of the taking ſuch goods or chattels by virtue of ſuch execution; *Provided* the ſaid arrears of rent do not amount to more than one year's rent; and in caſe the ſaid arrears ſhall exceed one year's rent, then the ſaid party, at whoſe ſuit ſuch execution is ſued out, paying the ſaid landlord, or his bailiff, one year's rent, may proceed to execute his judgment, as he might have done before the making of this Act; and the provoſt marſhal or his deputy, or other officer, is hereby impowered and required to levy and pay to the plaintiff as well the money ſo paid for rent, as the execution money.

Provided it amounts to no more than one year's rent.

The provoſt marſhall to levy the Rent, as well as the Execution money.

If any Leſſee for life, &c. ſhall fraudulently carry off Goods, &c. the Leſſor, &c. may within 21 day after ſeize ſuch Goods, &c. and ſell the ſame as if they had been diſtrained.

VI. *And be it further enacted*, That in caſe any leſſee for life, or lives, term of years, at will, or otherwiſe, of any meſſuages, lands or tenements, upon the demiſe whereof any rents are or ſhall be reſerved, or made payable, ſhall fraudulently, or clandeſtinely, convey or carry off or from ſuch demiſed premiſes, his goods or chattels, with intent to prevent the landlord or leſſer from diſtraining the ſame for arrears of ſuch rent, ſo reſerved as aforeſaid, it ſhall and may be lawful to and for ſuch leſſor or landlord, or any perſon or perſons by him for that purpoſe lawfully impowered, within the ſpace of twenty-one days next enſuing ſuch conveying away, or carrying off, ſuch goods or chattels, as aforeſaid, to take and ſeize ſuch goods and chattels wherever the ſame ſhall be found, as a diſtreſs for the ſaid arrears of ſuch rent, and the ſame to ſell, or otherwiſe diſpoſe of, in ſuch manner as if the ſaid goods and chattels had actually been diſtrained by ſuch leſſor or landlord, in and upon ſuch demiſed premiſes for ſuch arrears of rent; any law, cuſtom or uſage, to the contrary in any wiſe notwithſtanding.

Provided ſuch Leſſor ſhall not ſeize Goods, &c. which ſhall be *bona fide* ſold before.

VII. *Provided nevertheleſs*, That nothing, in this Act contained, ſhall extend, or be conſtrued to extend, to impower ſuch leſſor or landlord to take or ſeize any goods or chattels as a diſtreſs for arrears of rent, which ſhall be ſold *bona fide*, and for a valuable conſideration, before ſuch ſeizure made; any thing herein contained to the contrary notwithſtanding.

Debt may be brought againſt Tenant, for life, for rent.

VIII. *And whereas no action of debt lies againſt a tenant for life or lives, for any arrears of rent, during the continuance of ſuch eſtate for life or lives; Be it enacted*, That it ſhall and may be lawful for any perſon or perſons, having any rent in arrear or due upon any leaſe or demiſe for life or lives, to bring an action or actions of debt for ſuch arrears of rent, in the ſame manner as they might have done, in caſe ſuch rent were due and reſerved upon a leaſe for years.

Rent in arrear upon a leaſe for life, &c. expired may be diſtrained for, after the determination of the Leaſe.

IX. *And whereas tenants pur auter vie, and leſſees for years, or at will, frequently hold over the tenements to them demiſed, after the determination of ſuch leaſes; and whereas after the determination of ſuch, or any other leaſes, no diſtreſs can by law be made for any arrears of rent that grew due on ſuch reſpective leaſes before the determination thereof; It is further enacted*, That it ſhall and may be lawful, for any perſon or perſons, having any rent in arrear or due upon any leaſe for life or lives, or for years, or at will, ended or determined, to diſtrain for ſuch arrears, after the determination of the ſaid reſpective leaſes, in the ſame manner as they might have done, if ſuch leaſe or leaſes had not been ended or determined.

Within what time ſuch diſtreſs ſhall be made.

X. *Provided*, That ſuch diſtreſs be made within the ſpace of ſix calendar months, after the determination of ſuch leaſe and during the continuance of ſuch landlord's title or intereſt, and during the poſſeſſion of the tenant from whom ſuch arrears became due.

Stock or Cattle on the Premiſes may be diſtrained for arrears of rent.

XI. *And be it further enacted*, That it ſhall and may be lawful to and for every leſſor or landlord, leſſors or landlords, or his, her, or their ſteward, bailiff, receiver, or other perſon or perſons impowered by him, her or them to take and ſeize as a diſtreſs for arrears of rent, any cattle or ſtock, of their reſpective tenant or tenants, feeding or depaſturing upon any common, appendant or appurtenant, or any ways belonging to all or any part of the premiſes demiſed or holden; and alſo to take and ſeize all ſorts of corn and graſs, hops, roots, fruits, pulſe, or other

other product whatsoever, which shall be growing on any part of the premises so demised or holden, as a distress for arrears of rent; and the same to cut, gather, make, cure carry, and lay up, when ripe, in the barns, or other proper place on the premises so demised or holden; and in case there shall be no barn or proper place on the premises so demised or holden, then in any other barn or proper place which such lessor or landlord, lessors or landlords, shall hire or otherwise procure for that purpose, and as near as may be to the premises; and in convenient time to appraise, sell, or otherwise dispose of, the same, towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress, appraisement and sale, in the same manner as other goods and chattels may be seized, distrained and disposed of; and the appraisement thereof to be taken when cut, gathered, cured, and made, and not before.

Tenants to have notice of the place where the distress is lodged.

XII. *Provided always*, That notice of the place where the goods and chattels so distrained shall be lodged or deposited, shall, within the space of one week after the lodging or depositing thereof in such place, be given to such lessee or tenant, or left at the last place of his or her abode.

This Act shall not hinder the King, &c. to levy &c. any Quit Rents, &c. due to the Crown.

XIII. *Provided always, and it is hereby enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to let, hinder, or prejudice His Majesty, His heirs, or successors in the levying, recovering or seizing, any quit rents, debts, fines, penalties, or forfeitures, that are or shall be due, payable, or answerable, to His Majesty, His Heirs or successors; but that it shall and may be lawful for His Majesty, His Heirs and successors, to levy, recover and seize, such quit rents, debts, fines, penalties and forfeitures, in the same manner as if this Act had never been made; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

CAP. V.

An Act in addition to and amendment of an Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor.

For Acts in amendment or addition to this Act see note on 4th and 5th Geo. 3d. cap. 7.

WHEREAS *in the Act made and passed in the third year of His present Majesty's reign, entitled*, An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor, *the freeholders are directed to meet on the first Monday in January annually, to make provision for the relief of the poor; and whereas it has been found inconvenient to have the meeting at that season of the year, Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly*, That the said meeting shall be held, for the future, on the last Tuesday in October annually.

Preamble.

Meeting of Freeholders, to be on the last Tuesday in October annually.

II. *And whereas in the said Act, no power is given to the freeholders of the several towns at their annual meeting to adjourn in case the business before them cannot be completed on the said day, Be it therefore enacted*, That it shall and may be lawful for the chairman of the said freeholders when so assembled, and the business before them cannot be finished on the first day of their meeting, to adjourn the said meeting to the day following, in order to complete the business.

The meeting may be adjourned to the next day if the business is not completed the first day.

III. *And whereas in the said Act, no provision is made for the choice of other assessors, in the room of such who may refuse to serve in the said office, to which they shall be appointed, Be it enacted*, That if any such assessors, so nominated and appointed, shall refuse to serve in the said office, the said freeholders shall proceed to nominate and appoint others in their stead.

If any assessor refuse to serve, another shall be appointed in his stead.

IV. *And whereas no provision is made in the said Act for compelling the collectors who have accepted the*

the ſaid office, to put the ſaid Act in force againſt ſuch perſons who may refuſe to pay the ſeveral ſums, in which they ſhall be aſſeſſed, Be it enacted, That when any ſuch collector or collectors ſo appointed, ſhall neglect his or their duty for the ſpace of thirty days, in complying with the directions in the ſaid Act contained, every ſuch collector ſhall forfeit and pay the ſum of five pounds for every ſuch neglect, to be proſecuted and recovered by the overſeers of the poor of the town where ſuch offence ſhall be committed, by bill, plaint, or information, in any of His Majeſty's Courts of Record, to be applied to the uſe of the poor of ſuch town.

Collectors neglecting their duty forfeit 5l.

V. *And be it further enacted*, That all former aſſeſſments heretofore made, for the maintenance of the poor, ſhall be and are hereby confirmed, any want of form or other defect in the time of meeting of the ſaid freeholders notwithſtanding.

Former Aſſeſſments confirmed.

CAP. VI.

An ACT, in addition to an Act made and paſſed in the fifth year of His preſent Majeſty's Reign, entitled, An Act for the choice of Town Officers and regulating of Townſhips.

For Acts in amendment or addition to this Act ſee note on 5th Geo. 3d. cap. 1.

Preamble.

WHEREAS *in and by an Act made and paſſed in the fifth year of His preſent Majeſty's Reign, entitled*, An Act for the choice of Town Officers and regulating of Townſhips, *it is, among other things, enacted*,' That the Grand Juries of the Quarter Seſſions of the Peace ſhall an-'nually nominate four fit perſons, out of whom the Court ſhall appoint two, to be ſurveyors of highways.' *And whereas in ſome towns two ſurveyors of highways are not ſufficient; Be it therefore enacted, by the Lieutenant-Governor, Council, and Aſſembly*, That for the future the ſaid Grand Juries of the Quarter Seſſions of the Peace ſhall annually nominate eight fit perſons, out of whom the ſaid Court of Quarter Seſſions ſhall have power to appoint two or more perſons to be ſurveyors of highways; any law, uſage, or cuſtom to the contrary notwithſtanding.

The Grand Jury to nominate eight perſons, of whom the Court to appoint two or more to be ſurveyors of Highways.

CAP. VII.

An ACT for taking ſpecial Bails in the Country, upon Actions depending in His Majeſty's Supreme Court of this Province.

Acts in amendment or addition to this Act 15th and 16th Geo. 3d. cap. 4. 18th. Geo. 3d. cap. 6. 31ſt. Geo. 3d. c. 9. 39th. Geo. 3d. cap. 5.

Preamble. 4. Will. and Mar. cap. 4.

FOR *the greater eaſe and benefit of all perſons whatſoever, in making oath to their debts, and in taking the recognizances of ſpecial bails, upon all actions and ſuits depending, or to be depending in His Majeſty's Supreme Court of this Province, Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That the Chief Juſtice and other the Juſtices of His Majeſty's ſaid Supreme Court, or any two of them, whereof the Chief Juſtice for the time being to be one, ſhall or may by one or more commiſſion or commiſſions under the ſeal of the ſaid Court, from time to time as need ſhall require, impower ſuch and ſo many perſons, other than common attornies and ſolicitors, as they ſhall think fit and neceſſary, in all and every the ſeveral counties in this province, to adminiſter an oath in writing to any perſon where it ſhall be neceſſary to hold any defendant to bail, upon any original writ or proceſs iſſuing out of the ſaid Court, and to mark the writ for bail accordingly; and alſo to take and receive all and every ſuch recognizance or recognizances of bail or bails, as any perſon or perſons ſhall be willing or deſirous to acknowledge or make before any of the perſons ſo impowered, in any action or ſuit depending or hereafter to be depending in the ſaid Court, in ſuch manner and form and by ſuch recog-

Chief Juſtice &c. of the Supreme Court may make any perſons, except Attornies and Solicitors, Commiſſioners to take Bail, &c. in the Country.

nizance

nizance or bail piece, as the ſaid Juſtices have uſed to take the ſame; which ſaid oath in writing, and the ſaid recognizance or recognizances of bail, or bail piece, ſo taken as aforeſaid, ſhall be tranſmitted to ſome or one of the Juſtices of the ſaid court, who, upon affidavit made of the due taking of the recognizance of ſuch bail or bail piece, by ſome credible perſon preſent at the taking thereof, ſhall receive the ſame, upon payment of a fee of two ſhillings and no more; which ſaid oath, and recognizance of bail, or bail piece, ſo taken and tranſmitted, ſhall be of the like effect, as if the ſame were taken *de bene eſſe* before any of the ſaid Juſtices of the ſaid Court; for the adminiſtering of every which oath and marking ſuch writ as aforeſaid, the ſaid commiſſioners ſhall receive only the ſum or fee of two ſhillings and no more; and for the taking of every which recognizance or recognizances of bail or bail piece, the ſaid commiſſioners ſhall receive only the ſum or fee of five ſhillings and no more.

Juſtices to receive the bail piece, &c. upon affidavit of due execution.

Juſtices fee.

Bail taken below to be as *de bene eſſe*.

Commiſſioners fee.

II. *And be it further enacted*, That the Juſtices of the ſaid Supreme Court ſhall make ſuch rules and orders for the juſtifying of ſuch bails, and making the ſame abſolute, as to them ſhall ſeem meet, ſo as the cognizor or cognizors of ſuch bail or bails be not compelled to appear in perſon in the ſaid Court, to juſtify him or themſelves, but the ſame may be and hereby is directed to be determined by affidavit or affidavits duly taken before the ſaid commiſſioners, who are hereby impowered and required to take the ſame, and alſo to examine the ſureties upon oath, touching the value of their reſpective eſtates, unleſs the cognizor or cognizors of ſuch bail do live within the town of Halifax, or within twenty miles thereof.

Power given to the Juſtices to make rules for juſtifying the bail.

III. *And be it further enacted*, That any perſon or perſons, who ſhall before any perſon or perſons impowered by virtue of this Act as aforeſaid, to take bail or bails, repreſent or perſonate any other perſon or perſons, whereby the perſon or perſons ſo repreſented or perſonated may be liable to the payment of any ſum or ſums of money, for debt or damages to be recovered in the ſame ſuit or action, wherein ſuch perſon or perſons are repreſented and perſonated, as if they had really acknowledged and entered into the ſame, being lawfully convicted thereof, ſhall be adjudged, eſteemed, and taken to be felons, and ſuffer the pains of death and incur ſuch forfeitures and penalties as felons in other caſes convicted or attainted do, by the law of England, loſe and forfeit.

Felony for any perſon to be bail in another man's name.

CAP. VIII.

An ACT for the convenient and ſpeedy Aſſignment of Dower.

Act in addition to this Act, 11th. Geo. 3d. cap. 6.

FORASMUCH *as ſome directions in the law are neceſſary, that women may be enabled to come by their dower*; *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That when and ſo often as the heir or other perſon having the freehold, ſhall not within one month next after demand made, aſſign and ſet out to the widow of the deceaſed, her dower or juſt third part of and in all houſes, lands, tenements, or hereditaments, whereof ſhe is dowable at the common law, to her ſatisfaction according to the true intendment of law, then ſuch widow may ſue for and recover the ſame by writ of dower, to be therefore brought againſt ſuch perſons as have, or claim to have right as aforeſaid in the ſaid eſtate, in manner and form following, *that is to ſay*:

Preamble.

Heir, &c. to render dower within one month next after demand.

ſſ. GEORGE the Third, by the Grace of GOD of Great-Britain, France and Ireland, KING, Defender of the Faith, &c.

To the Provoſt-Marſhal of our province of Nova-Scotia, or his deputy, Greeting.

Writ of Dower.

COMMAND A. B. within the ſaid county, that inſtantly without delay render to C. D. who was the wife of E. D. late of aforeſaid deceaſed her reaſonable dower

dower which happens to her of a certain meſſuage or tenement with the appurtenances, ſituate in aforeſaid, in the poſſeſſion of the ſaid A. B. which was in the ſeizin and poſſeſſion of her ſaid huſband E. D. and whereof he was ſeized in his demeſne as of fee during the coverture, and whereof ſhe hath nothing (as ſhe ſaith) and the ſaid C. D. complains that the ſaid A. B. hath deforced her thereof. And unleſs the ſaid A. B. ſhall ſo do, then ſummon by good and lawful men in the ſaid county, the ſaid A. B. that be before our Juſtices of our Court next to be holden at for the County of aforeſaid, on the day of then and there to ſhew cauſe, why to the ſaid C. D. her reaſonable dower as aforeſaid doth not render. And have you the names of them by whom you ſummon the ſaid A. B. and this writ. Witneſs, E. H. Eſquire, at the day of in the year of our reign, Annoque Domini.

A. D. Clerk.

Reaſonable damage to be aſſigned to the Widow.

II. *And be it further enacted*, That upon judgment being given for any woman to recover her dower in any eſtate of houſes and lands, and other hereditaments, which were her huſband's, reaſonable damage ſhall alſo be aſſigned to her from the time of the demand made, and a writ of ſeizin ſhall be directed to the Provoſt Marſhal or his deputy, in manner and form following, *that is to ſay:*

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

To the Provoſt Marſhal of our province of Nova-Scotia, or his Deputy, Greeting.

Writ of ſeizin.

WHEREAS C. D. widow, who was the wife of E. D. late of in the County aforeſaid, deceaſed, before our Juſtices of our Court holden at for our county aforeſaid, on the day of now laſt paſt, did recover her ſeizin againſt A. B. of aforeſaid of one third part of a certain meſſuage or tenement, &c. with the appurtenances, ſituate in aforeſaid, in the poſſeſſion of the ſaid A. B. as her dower of the endowment of the ſaid E. D. her certain huſband, by our writ of dower, whereof ſhe hath nothing. Therefore we command you that to the ſaid C. D. full ſeizen of one third part of the aforeſaid meſſuage or tenement, &c. with the appurtenances you cauſe to be had without delay: to hold to her in ſeveralty by metes and bounds. We command you alſo, that of the goods or chattels of the ſaid A. B. within your precinct, you cauſe to be paid and ſatisfied unto the ſaid C. D. at the value thereof in money, the ſum of for damages awarded her by our ſaid court, for her being held and kept out of her dower aforeſaid, and coſts expended on this ſuit, with more for this writ; and thereof alſo to ſatisfy yourſelf your own fees. And for want of goods or chattels of the ſaid A. B. to be by him ſhewn unto you, or found within you precinct, to ſatisfy the ſame, we command you to take his body, and commit him to the keeper of our goal in in our county aforeſaid within the ſaid priſon. Whom we likewiſe command to receive the ſaid A. B. and him ſafely to keep, until he pay unto the ſaid C. D. the full ſum above mentioned, and alſo ſatisfy your fees. Hereof fail not, and make return of this writ, and how you ſhall have executed the ſame, to our next Court to be holden at for our ſaid county of on the day of next. Witneſs, E. H. Eſquire, at the day of in the year of our reign, Annoque Domini, 17.

A. D. Clerk.

And where no damages ſhall be awarded, the writ to run only for ſeizin and coſts of ſuit.

Dower to be ſet forth by five freeholders, upon oath.

III. *And be it further enacted*, That the provoſt marſhal or his deputy, to whom ſuch writ is directed, is to cauſe her third part of dower in ſuch eſtate, to be ſet forth unto her by five freeholders of the neighbourhood, upon their oaths, (three at leaſt to agree) who ſhall be ſworn before a Juſtice of the Peace, to ſet forth the ſame equally and impartially without favour or affection, as convenient as may be; which oath every Juſtice of the Peace is hereby impowered to adminiſter.

IV.

IV. *And be it further enacted*, That of inheritances that be entire, where no diviſion can be made by metes and bounds, ſo as a woman cannot be endowed of the thing itſelf, ſhe ſhall be endowed thereof in a ſpecial and certain manner, as of a third part of the rents, iſſues, or profits thereof, to be computed and aſcertained in manner as aforeſaid. And no woman that ſhall be endowed of any lands, tenements, or other inheritances, as aforeſaid, ſhall commit or ſuffer any ſtrip or waſte thereupon, but ſhall maintain the houſes or tenements, with the fences and appurtenances thereof, with which ſhe ſhall be ſo endowed, in good repair during her term, and leave the ſame ſo at the expiration thereof, and ſhall be liable to action for any ſtrip or waſte by her done, committed or ſuffered.

In what manner entire inheritances ſhall be aſſigned.

Widow ſhall not make ſtrip or waſte.

CAP. IX.

An Act in further addition to and in amendment of an Act, made and paſſed in the Thirty Fourth Year of His late Majeſty's Reign, entitled, An Act for appointing Commiſſioners of Sewers.

For Acts in amendment or addition to this Act, ſee note on 32d. Geo. 2d. cap. 7.

WHEREAS *in an Act made and paſſed in the thirty fourth year of His late Majeſty's reign, entitled*, An Act for appointing Commiſſioners of Sewers, *it is, amongſt other things, enacted*, 'That the commiſſioners of ſewers ſhall be impowered to meet and convene together from time to time, as occaſion may require, to view, conſider, conſult, and contrive 'ſuch ways and methods for building and repairing ſuch dykes and wears, as are neceſſary 'to prevent inundations, and for drowning and draining of ſwamps and other unprofitable 'grounds, and to employ workmen and labourers for ſuch reaſonable wages as may be 'agreed on for effecting the premiſes, and from time to time, to aſſeſs and tax all ſuch perſons as may or ſhall be owners of ſuch meadows, marſhes, or ſuch unprofitable ſwamps or 'lands aforeſaid, towards the charge thereof.'— *And whereas many of the Commiſſioners of ſewers complain that aſſeſſing the owners of ſuch lands as aforeſaid, by no means anſwers the intention propoſed by ſaid Act, as labourers cannot be hired in lieu of ſuch owners of lands as aforeſaid, whereby it may happen that large quantities of corn or graſs on the marſh lands, may be greatly damaged or utterly ſpoiled by the ſea overflowing the ſame, for want of immediate labour, to the great loſs and diſcouragement of the induſtrious farmer, and to the detriment of the Province; for remedy whereof, be it enacted by the Lieutenant-Governor, Council, and Aſſembly*, That from and after the publication hereof each and every owner or poſſeſſor of marſh lands in any townſhip, diſtrict, or place, within this province, (where commiſſioners of ſewers are appointed) ſhall in all common caſes, either in raiſing new or repairing old dykes, or ditching or draining lands, attend either by himſelf or provide a ſufficient labourer with proper tools, to work at the time and place appointed by the ſaid commiſſioners of ſewers, agreeable to the rules and regulations made for that purpoſe; and when it ſhall happen that any owner or poſſeſſor of any ſuch marſh lands in any townſhip, diſtrict, or place, ſhall have, occupy, or receive, the produce of a greater quantity of ſaid lands than one right or ſhare, in ſuch marſh, that then and in ſuch caſe every owner or poſſeſſor ſhall furniſh a number of labourers in proportion to their reſpective quantities of lands, as agreed on by the commiſſioners of ſewers: And where it may be neceſſary to employ oxen or carts, for the more expeditiouſly carrying on their work, each and every owner or poſſeſſor of ſuch lands who have oxen or carts, ſhall in like manner be obliged to attend with, or ſend ſuch oxen or carts for the work aforeſaid, and in the aforeſaid proportion, in lieu of labourers.

Preamble.

Owner &c. of marſh lands ſhall attend himſelf or ſend a ſufficient labourer in common caſes, to work in raiſing dykes &c.

in proportion to the quantities of lands he ſhall poſſeſs.

Oxen and carts may be employed in lieu of labourers.

II. *Provided always*, That ſuch owner or poſſeſſor of ſuch lands to be dyked or drained, ſhall have at leaſt ſix days notice of the time and place where ſuch work is required to be done

Six days notice to be given of the time and place

where the work is to be done.

done, by one or more of the commiſſioners of ſewers, or by ſome perſon appointed by them for that purpoſe.

In caſe of any ſudden breach in any dyke &c. every owner or poſſeſſor of lands within ſuch dyke, ſhall immediately repair to the place directed, and endeavour to repair ſuch breach, &c.

III. *And be it further enacted*, That in caſe of any ſudden breach in any dyke, or where any breach is likely to be made or inundation occaſioned by ſtorms, high tides, or otherwiſe, each and every owner or poſſeſſor of land within ſuch dykes ſhall immediately, on notice being given by any one or more of the commiſſioners of ſewers or perſons appointed by them, repair to the place directed, with proper tools, to labour and uſe their utmoſt endeavours to repair ſuch breach or place likely to be a breach; and ſhall continue to work from day to day on the ſame, ſo long as the commiſſioners of ſewers ſhall judge it abſolutely neceſſary, for preſerving the land and produce within ſuch dyke from damage.

Penalties on owners or poſſeſſors of marſh or dyke lands, refuſing or neglecting to labour.

IV. *And be it alſo enacted*, That if any owner or poſſeſſor of any marſh or dyke lands within any townſhip, diſtrict, or place within the province as aforeſaid, ſhall neglect or refuſe to attend and labour, or to ſend a ſufficient number of labourers at the time and place to be appointed by the commiſſioners of ſewers as aforeſaid, in proportion to the quantity of land in his or their poſſeſſion, (due notice having been given as aforeſaid) each and every delinquent owner or poſſeſſor of ſuch lands ſhall forfeit and pay, over and above their aſſeſſment or tax to be made by virtue of the aforementioned Act, the ſum of five ſhillings for every day's neglect or refuſal, for each and every labourer ſuch owner or poſſeſſor of ſuch land ought to have ſent. And if ſuch owner or poſſeſſor of ſuch lands ſhall neglect or refuſe to attend and labour, where any ſudden breach ſhall happen, or be likely to happen to any ſuch dykes, on immediate notice given to ſuch owner or poſſeſſor, ſuch delinquent owner or poſſeſſor ſhall forfeit and pay the ſum of ten ſhillings for each day's neglect, for each and every perſon which ſhould have been ſent by him, and ſo in like proportion for oxen and carts; to be recovered by warrant of diſtreſs, on conviction before any one of His Majeſty's Juſtices of the Peace for the county where the offence ſhall be committed, and for want of goods and chattels to ſatisfy ſuch diſtreſs and charges, the lands of ſuch delinquent, or ſo much as ſhall be ſufficient, ſhall be held and let out by ſaid Juſtice until the produce thereof ſhall amount to the fine and charges ſo levied, in the ſame manner as is directed by law for a delinquent's proportion of aſſeſſments or taxes for making and repairing dykes; and the monies ariſing from ſuch fines to be paid into the hands of the commiſſioners of ſewers to be appropriated for the making and repairing dykes, in the townſhip, diſtrict, or place, where the ſame ſhall be recovered.

To be recovered before any Juſtice of the Peace for the county.

and appropriated for making and repairing dykes.

CAP. X.

An ACT for diſcharging the Penalties and Forfeitures in Bonds, Contracts, and Agreements, on payment and ſatisfaction of the principal Sum and Damages due upon the ſame.

4. Ann. c. 16.

In actions brought upon bonds &c. with penalties, verdict ſhall be only for the ſum juſtly due.

BE *it enacted by the Lieutenant-Governor, Council, and Aſſembly*, That in every action upon any bond, contract, and agreement, with penalty for performance of the condition contained in ſuch bond, contract, or agreement, it ſhall and may be lawful for the reſpective Courts, where ſuch action ſhall be brought, upon due proof of the juſt ſum due upon the condition of ſuch bonds, contracts, and agreements, together with all ſuch damages and coſts as have been incurred by non-performance of the condition, to direct and receive a verdict for the ſum and damages ſo proved at the trial; and to cauſe ſatisfaction to be entered upon the judgment upon ſuch bond, contract and agreement, upon payment of the debt and damages, ſo to be aſcertained by verdict or otherwiſe.

II.

II. *And be it further enacted*, That when any action of debt ſhall be brought on any ſingle bill, or where debt or *ſcire facias* ſhall be brought on any judgment, if the defendant hath paid the money, ſuch payment may be pleaded in bar; and where debt is brought on any bond which hath a condition or defeazance to make void the ſame upon payment of a leſſer ſum, if the obliger, his heirs, executors or adminiſtrators, have, before the action brought, paid the principal and intereſt due, though ſuch payment was not made ſtrictly according to the condition of the defeazance, yet it may be pleaded in bar, and ſhall be as effectual as if the money had been paid at the day and place according to the condition, and had been ſo pleaded.

In action of debt brought on ſingle bill or judgment, after money paid, ſuch payment may be pleaded in bar.

III. *And be it further enacted*, That if at any time pending an action upon ſuch bond with a penalty, the defendant ſhall bring into Court the principal and intereſt due, and all coſts already expended in any ſuit in law or equity upon ſuch bond, the money ſhall be taken in ſatisfaction of the bond, and the Court ſhall give judgment to diſcharge ſuch defendant.

Principal and intereſt on bonds, &c. being paid in Court, &c. the Court may diſcharge the defendant.

CAP. XI.

An ACT to prevent the malicious killing or maiming of Cattle.

BE *it enacted by the Lieutenant-Governor, Council, and Aſſembly*, That if any perſon or perſons ſhall maliciouſly, unlawfully, and willingly kill, maim, wound, or otherwiſe hurt, any horſes, ſheep or other cattle, every ſuch offender or offenders ſhall loſe and forfeit unto the party grieved, treble the damage which he or they ſhall ſuſtain, to be recovered by action of treſpaſs, or upon the caſe, in any of His Majeſty's Courts of Record in this province.

22. and 23. Car. 2. c. 7. ſ. 5.

Treble damages for killing or maiming of cattle.

CAP. XII.

An ACT, in further addition to, and in amendment of an Act made and paſſed in the Thirty-ſecond year of His late Majeſty's Reign, entitled, An Act for preventing Treſpaſſes.

WHEREAS *the common method of fencing is generally with poles in the manner of Virginia fence, which kind of fence is not clearly expreſſed in any former Act of this province relating to treſpaſſes; Be it therefore enacted by the Lieutenant-Governor, Council, and Aſſembly*, That the pole fence as is now commonly uſed, or any other fence made of bruſh or other materials, to the judgment of the fence viewer, ſhall be deemed and held to be lawful, and if any diſpute ſhall ariſe thereon, the ſame ſhall be adjudged and determined immediately and without delay by any two men of known reputation, to be mutually choſen by the parties, which two men, together with the fence viewer, or the majority of them, ſhall and are hereby impowered to determine the ſame; and in caſe either of the ſaid parties ſhall neglect or refuſe to make ſuch choice and appointment, then the ſaid choice ſhall and may be made by the party willing and ready to do the ſame; any law, uſage or cuſtom to the contrary notwithſtanding.

For Acts in amendment or additon to this Act, ſee note on 32d. Geo. 2d. cap. 14.

Preamble.

Pole fences, &c. to be deemed lawful, according to the judgment of the fence viewer, &c.

CAP. XIII.

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

Expired.

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, 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 ſecond Day of October, 1768, in the Eighth Year of His ſaid Majeſty's Reign; being the Seventh Seſſion of the Fourth General Aſſembly convened in the ſaid Province.*

* A part of this Seſſion was during the time of Michael Franklin, Lieutenant-Governor; Jonathan Belcher, Chief Juſtice and Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly—and a part of it during the time of Lord William Campbell, Governor; and Charles Morris, Preſident of Council.

CAP. I.

An ACT in further addition to and amendment of an Act, made in the third year of His preſent Majeſty's Reign, entitled, An Act to enable the Inhabitants of the ſeveral Townſhips within this Province to maintain their Poor.

For Acts in amendment or addition to this Act, ſee note on 3d. and 4th. Geo. 3d. cap. 7.

Preamble.

WHEREAS *by an amendment made in the laſt ſeſſion of the General Aſſembly, to an Act, entitled,* An Act to enable the Inhabitants of the ſeveral Townſhips in this Province to maintain their Poor, *the freeholders are directed to meet on the laſt Tueſday in October annually, to make proviſion for the relief of the poor; and whereas it is found inconvenient to have the meeting on that day, Be it enacted by the Lieutenant-Governor, Council, and Aſſembly,* That the ſaid meeting of the freeholders for the purpoſes aforeſaid, ſhall be on the laſt Tueſday of November, annually.

Meeting of freeholders to be on the laſt Tueſday in November annually.

II. *And be it further enacted,* That the overſeers of the poor, for the time being, ſhall iſſue their precept to the conſtables of the ſeveral townſhips within this province, requiring them to notify the inhabitants to meet on the day appointed by this Act, and make proviſion for the ſupport of the poor, agreeable to the directions of the Act to enable the inhabitants of the ſeveral townſhips to maintain their poor; and if ſuch overſeers ſhall neglect to iſſue their precept as aforeſaid, each of the ſaid overſeers ſhall forfeit and pay to the treaſurer of the province, for the uſe of the poor, the ſum of ten pounds, to be recovered by bill, plaint or information, in any of His Majeſty's Courts of Record in this province.*

Notice of the meetings annually, ſhall be given by the overſeers of the poor, on penalty of 10l.

* See 2d and 3d. ſections of chap. 7th. the preſent ſeſſion.

III. *And whereas in and by the afore-recited Act, it is enacted,* 'That if any of the aſſeſſors or collectors choſen and appointed, ſhall refuſe to ſerve in their reſpective offices, each perſon ſo refuſing

'ſhall.

'shall forfeit and pay to the overseers of the poor, for the use of the poor of said townſhip, the 'ſum of forty ſhillings;" *but no proviſion is made for recovering the ſaid forfeiture, be it enacted*, That all ſuch forfeitures ſhall and may be recovered by complaint, or information, before any two of His Majeſty's Juſtices of the Peace for the county wherein the ſame ſhall ariſe, and be levied by warrant of diſtreſs and ſale of the offender's goods and chattels.

Penalties on aſſeſſors and collectors for refuſing to ſerve in their reſpective offices, to be recovered bef re two Juſtices of the Peace.

CAP. II.

An ACT for the rating and levying of the Charges for conveying Malefactors and Offenders to the Goal.

WHEREAS *His Majeſty's ſubjects are much charged and burthened in conveying felons and other malefactors and offenders againſt His Majeſty's laws, unto the goal, puniſhable by impriſonment there, the ſaid felons and other malefactors and offenders having goods and chattels of their own whereby to defray the ſame charges themſelves, to the great encouragement of ſuch malefactors and offenders in their ſaid wicked and bad courſes, and to the diſcouragement of His Majeſty's ſaid ſubjects in proſecuting the ſaid malefactors and offenders to be puniſhed according to their demerits; Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly*, That all and every perſon and perſons whatſoever, that ſhall hereafter be committed to the common or uſual goal within any county in this province, by any Juſtice or Juſtices of the Peace, for any offence or miſdemeanor, that the ſaid perſon or perſons ſo to be committed as aforeſaid, having means or ability thereunto, ſhall bear their own reaſonable charges for ſo conveying or ſending them to the ſaid goal, and the charges alſo of ſuch as ſhall be appointed to guard them to ſuch gaol, and ſhall ſo guard them thither: And if any ſuch perſon or perſons, ſo to be committed as aforeſaid, ſhall refuſe at the time of their commitment and ſending to the ſaid goal, to defray the ſaid charges, or ſhall not then pay or bear the ſame, that then ſuch Juſtice or Juſtices of the Peace ſhall and may by writing under his or their hand and ſeal, or hands and ſeals, give warrant to the conſtable or conſtables of the town or place where ſuch perſon or perſons ſhall be dwelling and inhabit, or from whence he or they ſhall be committed as aforeſaid, or where he or they ſhall have any goods within the county, town or place, to ſell ſuch and ſo much of the goods and chattels of the ſaid perſons, ſo to be committed, as by the diſcretion of the ſaid Juſtice or Juſtices of the Peace, ſhall ſatisfy and pay the charge of ſuch his or their conveying and ſending to the ſaid goal; the appraiſement to be made by four of the honeſt inhabitants of the town or place where ſuch goods or chattels ſhall remain and be, and the overplus of the money which ſhall be made thereof to be delivered to the party to whom the ſaid goods ſhall belong.

Preamble.

Eng. ſtat. 3. Jac. 1. c. 10.

Offender's to be conveyed to goal at their own charge.

How the charges ſhall be levied if the priſoner refuſe to pay.

II. *And be it further enacted*, That if the ſaid perſon or perſons, ſo to be committed as aforeſaid, ſhall not have, or be known to have, any goods or chattels which may be ſold for the purpoſe aforeſaid, within the county, town or place, that then the ſaid Juſtice or Juſtices, on application by any conſtable or other officer who ſo conveyed ſuch perſon or perſons to goal, ſhall, upon oath, examine into and aſcertain the reaſonable expences to be allowed ſuch conſtable or other officer, and ſhall forthwith, without fee or reward, by warrant under his or their hand and ſeal, or hands and ſeals, order the treaſurer of the county to pay the ſame, which the ſaid treaſurer is hereby required to do as ſoon as he receives ſuch warrant; and any ſum ſo paid ſhall be allowed in his accounts.

If the offender be not able to bear his charges, the ſame to be paid by the county treaſurer.

III. *And whereas the expence, as well as loſs of time, in attending Courts of Juſtice, is a diſcouragement to the poorer ſort to appear as witneſſes againſt offenders, who thereby eſcape the public juſtice, and the puniſhment due to their crimes, Be it further enacted*, That when any poor perſon ſhall appear on recognizance in any Court, to give evidence againſt another accuſed of any Grand or Petit Larceny, or other felony, it ſhall and may be in the power the of Court, at the prayer and on the oath of ſuch perſon, and on conſideration of his circumſtances, in open Court to order the treaſurer of the county in which the offence ſhall have been committed, to pay unto ſuch perſon

Brit. ſtat. 25. Geo. 2 c. 3. Charges of poor witneſſes t be paid by the c unty treaſurer, by order of court.

ſon ſuch ſum of money, as to the ſaid Court ſhall ſeem reaſonable for his time, trouble, and expence; which order the proper officer of ſuch Court is hereby directed and required to make out, and to deliver unto ſuch perſon, upon being paid for the ſame the ſum of ſix pence and no more; and ſuch treaſurer is hereby authorized and required, upon delivery of ſuch order forthwith to pay to ſuch perſon or other perſon authoriſed to receive the ſame, ſuch ſum of money as aforeſaid, and ſhall be allowed the ſame in his accounts.

In counties where no treaſurer is appointed, &c. ſuch charges ſhall be paid out of the public treaſury.

IV. *And be it further enacted*, That in ſuch counties where no county treaſurer ſhall have been choſen, or in caſe ſuch treaſurer ſhall not have any money in his hands, to pay the ſum ſo ordered for conveying poor priſoners to goal, or for the attendance of witneſſes, that then and in ſuch caſe the ſame ſhall be paid out of the public treaſury of the province.

The defendant's plea in an action brought for any thing done by force of this Act.

V. *And be it further enacted*, That if any action of treſpaſs or other ſuit ſhall happen to be attempted or brought againſt the perſon or perſons for taking of any diſtreſs, making of any ſale, or any other act by authority of this preſent Act, the defendant or defendants in any ſuch action or ſuit, ſhall and may either plead guilty, or otherwiſe make avowry, cognizance or juſtification, for the taking of the ſaid diſtreſs, making of ſale, or any other act by virtue of this Act, alledging in ſuch avowry, cognizance, or juſtification, that the ſaid diſtreſs, ſale, treſpaſs or other thing whereof the plaintiff or plaintiffs complained, was done by authority of this Act, and according to the tenor, purport and effect of this Act, without any expreſſing or rehearſal of any other matter of circumſtance contained in this preſent Act: to which avowry, cognizance, or juſtification, the plaintiff ſhall be admitted to reply, that the defendant did take the ſaid diſtreſs, made the ſaid ſale, or did any other act or treſpaſs ſuppoſed in his declaration, of his own wrong, without any ſuch cauſe alledged by the ſaid defendant; whereupon the iſſue in every ſuch action ſhall be joined to be tried by verdict of twelve men, and not otherwiſe, accuſtomed in other perſonal actions; and upon the trial of that iſſue the whole matter to be given on both parties in evidence, according to the very truth of the ſame; and after ſuch iſſue tried for the defendant, or nonſuit of the plaintiff after appearance, the ſaid defendant to recover treble damages by reaſon of his wrongful vexation in that behalf, with coſts alſo on that part ſuſtained, and that to be aſſeſſed by the ſame Jury, or writ to enquire of the damages, as the ſame ſhall require.

The defendant ſhall recover treble damages and coſts of ſuit.

CAP. III.

This Act not now in force being altered by a ſubſequent ſtatute.

An ACT for impowering the Juſtices of the Peace for the County of Halifax, to hold a Court of Special Seſſions of the Peace at Onſlow in the ſaid County, for the Towns of Truro, Onſlow, and Londonderry.

CAP. IV.

An ACT relating to Searchers and Sealers of Leather.

No leather ſhall be ſold or expoſed to ſale, before it has been viewed and marked by the ſurveyor.

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That no tanner or other perſon whatſoever, ſhall ſell, or expoſe to ſale, any leather tanned, curried, or otherwiſe dreſſed or manufactured within this province, or imported into the ſame (from any of the neighbouring colonies) till the ſame has been viewed, ſtamped and marked, by the officer for that purpoſe to be appointed, on pain of forfeiting the ſum of twenty ſhillings for every ox, bull, ſteer, or cow hide, and five ſhillings for every calf-ſkin ſo ſold or offered to be ſold.

II.

II. *And be it further enacted*, That every ſurveyor appointed and ſworn according to law, ſhall from time to time, view all ſuch hides and ſkins as aforeſaid, and ſhall ſtamp and mark all ſuch as he ſhall find to be ſufficiently tanned, curried, or otherwiſe dreſſed or manufactured; and if any ſuch hides or ſkins ſhall have been manufactured within this province, the ſame ſhall be ſtamped and marked with the firſt letter of the name of the town wherein they have been ſo manufactured, and ſuch ſurveyor ſhall be paid for his trouble in viewing and marking ſuch hides and ſkins, at the following rates, *that is to ſay*, for every ox, bull, ſteer or cow hide, three pence, and for every calf ſkin, one penny; and every ſuch hide ſhall, at the time of being ſo ſurveyed and marked, be weighed alſo in preſence of the ſurveyor, and the weight thereof ſhall by him be marked on ſaid hide.

The ſurveyor ſhall view all hides and ſkins, and mark ſuch as are ſufficiently tanned, &c. and if manufactured within the province, the ſame ſhall be marked with the firſt letter of the name of the town where manufactured.

III. *And be it alſo enacted*, That if any perſon or perſons ſhall preſume to counterfeit the ſtamp or mark by this Act required, and ſhall be thereof convicted before any two of His Majeſty's Juſtices of the Peace, he ſhall forfeit the ſum of ten pounds.

Penalty 10l. for counterfeiting the ſurveyor's mark.

IV. *And be it alſo further enacted*, That all forfeitures and penalties ariſing by force and virtue of this Act, ſhall be one half to the informer, and the other half to the uſe of the poor, and be recovered by complaint or information, before any two of His Majeſty's Juſtices of the Peace for the county where ſuch complaint or information ſhall ariſe; and be levied, upon due conviction, by warrant of diſtreſs and ſale of the offender's goods and chattels, under the hand and ſeal of ſuch Juſtices, and for want of ſufficient diſtreſs the offender to ſuffer one month's impriſonment.

How forfeitures and penalties ſhall be applied.

CAP. V.

Acts in amendment, alteration or addition to this Act, which reſpects the Supreme Court, c. 9 of this ſeſſion, 14th and 15th. Geo. 3d. cap. 6 and 8. 20th. Geo. 3d. cap. 1. 26th. Geo. 3d. cap. 3. 31ſt. Geo. 3d. c. 9. 36th. Geo. 3d. cap. 3. 39th. Geo. 3d. cap. 5. 42d. Geo. 3d. cap. 12 and the temporary Acts of the 33d. and 34th. Geo. 3d.

An ACT for eſtabliſhing the Times of holding the Supreme Court.

Preamble.

WHEREAS great inconveniences, by fixing and confining the times of holding His Majeſty's Supreme Court of this province to two terms only in the year, have ariſen, and may further ariſe from a want of a more ſpeedy adminiſtration of juſtice in capital offences, both from the long and injurious detention and confinement of ſuch priſoners who, upon their trial and defence may appear to be innocent of the crimes for which they are committed, and alſo from protracting the puniſhment of offenders who may appear to be guilty of crimes of the moſt enormous nature, and of dangerous tendency to the ſafety and peace of the public, and by ſuch delay of juſtice emboldening offenders, and weakening the force and terrors of the laws; and likewiſe in hearing and determining cauſes of property in the ſaid Court, both originally and by writs of error from the Inferior Courts, to the great delay of the ſubject in recovering their civil rights and demands, and more eſpecially as ſuits are moſt frequently and generally commenced in the ſaid Supreme Court; *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted*, That His Majeſty's ſaid Supreme Court ſhall be holden at four terms in every year, *that is to ſay*, on the firſt Tueſdays in the months of January, of April, of July, and of October; and that the ſaid Court ſhall be and is hereby impowered to proceed in the ſaid reſpective four terms, in the ſame manner as in the ſaid two terms heretofore limited and appointed; and that the ſeveral laws of this province reſpecting the ſummoning of Jurors, ſhall extend and be conſtrued to extend to the holding of the ſaid Supreme Court at the four terms as before directed; and that all the proceedings, rules, judgments and executions of the ſaid Supreme Court, in the courſe of their ſittings in the ſaid terms, ſhall be good, valid, and effectual, to all intents and purpoſes whatſoever.

The Supreme Court ſhall be holden at four terms every year. The laws reſpecting Jurors, extended to ſuch four terms.

CAP.

CAP. VI.

An ACT in addition to, and amendment of an Act, made in the Fifth Year of His preſent Majeſty's Reign, entitled, An Act for the raiſing Money by Preſentment on the ſeveral Counties in this Province for the defraying certain County Charges therein mentioned.

For Acts in addition or amendment of this Act ſee note on 5th. Geo. 3d. cap. 5.

Preamble.

WHEREAS *in and by an Act made in the fifth year of His preſent Majeſty's reign, entitled,* An Act for the raiſing Money by Preſentment on the ſeveral Counties in this Province for the defraying certain County Charges therein mentioned, *it is, among other things, enacted,* 'That the ſeveral Grand Juries in each of the ſeveral counties within this province, either at 'the Court of Aſſize or General Seſſions of the Peace held for ſuch county, ſhall 'make preſentment of all ſuch ſum and ſums of money or expences, that may be found 'to have ariſen, or that may be neceſſary to be raiſed for the purpoſes therein men-'tioned;' *And whereas the Grand Juries in ſome counties in the province, have neglected or refuſed to make ſuch preſentment, to the great detriment of the public good, Be it enacted, by the Lieutenant Governor, Council and Aſſembly,* That on the neglect or refuſal of ſuch Grand Juries to make preſentment as is directed in and by the afore recited Act, the Judges of Aſſize or the Juſtices of the Peace in their General Seſſions, ſhall, and they are hereby impowered to amerce the county in ſuch ſum or ſums as it ſhall appear to them (upon due proof made before them) to be neceſſary for defraying the expences which have ariſen, or ſhall be judged by them neceſſary to be raiſed, for the uſe of the county; which ſaid ſum or ſums ſhall be equally aſſeſſed on the inhabitants of ſaid county, according to their ability, and paid into the hands of the treaſurer of the county, for the uſes aforeſaid; and the Judges or Juſtices aforeſaid are hereby authorized and impowered to appoint three aſſeſſors in each townſhip, for the aſſeſſing the money aforeſaid.

Upon the neglect of the Grand Juries to make preſentment, the Judges of Aſſize or the Juſtices in General Seſſions, ſhall amerce the county in ſuch ſums as may be neceſſary to defray the county charges, to be aſſeſſed on the inhabitants by three aſſeſſors to be appointed in each townſhip.

The aſſeſſors ſhall appoint Collectors

II. *And whereas in and by the afore recited Act, it is alſo enacted,* 'That the conſtables ſhall le-'vy the ſum proportioned for each town,' *which is found inconvenient, Be it enacted,* That it ſhall and may be lawful for the reſpective aſſeſſors, already appointed or to be appointed for any town, to nominate and appoint one or more collectors, to collect and receive all ſums of money as have been or may be aſſeſſed purſuant to this or the ſaid Act, and the ſaid collector or collectors, when he or they ſhall have ſo collected and received the ſaid ſums of money, ſhall pay the ſame into the hands of the county treaſurer, deducting for his or their trouble in collecting the ſame, one ſhilling in the pound.

Their duty,

and allowance.

Perſons refuſing to ſerve as aſſeſſors or collectors, forfeit 5l.

III. *And be it alſo enacted,* That if any perſon or perſons appointed aſſeſſors or collectors as aforeſaid, ſhall refuſe or neglect to ſerve as ſuch, each and every ſuch perſon ſo neglecting or refuſing, ſhall forfeit and pay the ſum of five pounds, to be levied in default of payment, by warrant of diſtreſs and ſale of the goods of ſuch perſon or perſons, under the hand and ſeal of any two of His Majeſty's Juſtices of the Peace for the county wherein ſuch perſon or perſons ſhall or may be appointed, returning the overplus, if any be, to the owner or owners of the goods ſo to be diſtrained and ſold as aforeſaid; and ſuch fine ſhall be paid to the treaſurer of ſuch county, for the uſe of the ſaid county.

for the the uſe of the county.

17l. advanced out of the province treaſury, to be repaid by the county treaſurer.

IV. *And whereas the ſum of ſeventeen pounds has been paid out of the province treaſury, for payment of the charges in bringing certain priſoners from Windſor to the goal of Halifax, Be it therefore enacted,* That the county treaſurer ſhall repay into the province treaſury the aforeſaid ſum of ſeventeen pounds, out of ſuch monies as ſhall be paid into his hands by virtue of this Act.

CAP.

CAP. VII.

An ACT in further addition to, and in amendment of an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, An Act for preventing Trespasses.

For Acts in addition or amendment of this Act, see note on 32d. Geo. 2d. c. 14.

WHEREAS *many farms in this province are bounded by rivers that are fordable at low water; and whereas it would be impracticable to make any fence that would stand the force of the tides in such rivers: And whereas great damage has been done to such lands by cattle running at large, and the persons to whom such cattle belongs, could not, by law, be prosecuted for a trespass, as such rivers are not deemed a sufficient fence, Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That to all farms which are bounded on rivers where the tide flows eight feet and upwards, at common tides, such river so far up shall be deemed a sufficient and lawful fence.

Preamble.

All rivers shall be deemed lawful fences, where the tide flows eight feet and upwards.

II. *And whereas the penalties inflicted by an Act, entitled,* An Act for preventing Trespasses, *upon persons refusing to serve in the office of overseers of the poor, are insufficient for the end and design of the said Act, Be it enacted,* That when and as often as any person nominated as by the said Act is directed, shall refuse to serve the said office, he shall forfeit and pay the sum of five pounds.

Persons refusing to serve as overseers of the poor, shall forfeit 5l.

III. *And whereas the sums arising from the penalties for not serving the said office of overseer of the poor, are not appropriated, be it enacted,* That all such sums of money, as by virtue of the said penalties have been received, and now remain with the clerk of the Supreme Court, and all such sums of money which may hereafter be received on account of the said penalties, shall be paid to the overseers of the poor, for and towards the relief and support of the poor of the several towns for which they shall be respectively appointed.

Such penalties to be for the relief of the poor.

CAP. VIII.

An ACT in addition to an Act made and passed in the Thirty Third Year of His late Majesty's Reign, entitled An Act in addition to An Act for regulating Petit Juries, and declaring the Qualification of Jurors.

Repealed by the Act 36th. Geo. 3d. cap. 2.

CAP. IX.

An ACT to impower the Supreme Court, at their stated Sittings in the Town of Halifax, to try Offenders who may be guilty of Felonies in other Counties in this Province.

WHEREAS it often happens that persons are charged with committing felonies in many parts of this province, at a great distance from the town of Halifax, and in such cases His Majesty's Governors have found it necessary and expedient to issue commissions of Oyer and Terminer, and General Goal Delivery, for the trial of such offenders in the proper counties where such offences have been committed: And whereas it has been found by experience, that the executing such commissions in those counties which are situated on the sea coasts, or to which there is no communication by land, has been attended with great expence, in the hire of vessels to carry the Judges and the Officers of the Court, and for their support; and the uncertainty of passages by sea renders it very difficult to procure jurors, and also

Preamble.

Perſons charged with felonies, done in any county, to which there is no communication by land with the town of Halifax, ſhall be committed to the county goal of Halifax, and the witneſſes bound to appear at the next Supreme Court at Halifax.

alſo to collect the witneſſes that may be neceſſary to be examined on the trial of ſuch offenders, as the inhabitants do not live together in any one town or place, but are ſettled in different parts of the country, many miles diſtant from each other: *In order therefore to remedy theſe inconveniencies, be it enacted by the Lieutenant-Governor, Council and Aſſembly*, when any perſon or perſons ſhall be charged with any felony, done or committed in any county ſituate on the ſea coaſts of this province, or to which there is no communication with the town of Halifax by land, that the Juſtice of the Peace before whom ſuch offender or offenders ſhall be examined, ſhall commit ſuch offender or offenders to His Majeſty's common goal for the county of Halifax, and ſhall bind the witneſſes by recognizance, to appear and give evidence againſt ſuch offender or offenders, at His Majeſty's Supreme Court, Court of Aſſize, or General Gaol Delivery next to be held for the county of Halifax.

The Supreme Court held for the county of Halifax, impowered to proceed againſt ſuch offenders.

II. *And be it further enacted*, That His Majeſty's ſaid Supreme Court, Court of Aſſize, or General Goal Delivery, ſhall be and hereby is impowered to proceed to the trial of ſuch offenders, in the ſame manner as if the felonies with which they are charged had been done and committed in the county of Halifax; and all trials, verdicts, judgments, executions, and other proceedings whatſoever of the ſaid Court, to be had thereupon, ſhall be and hereby is declared to be as good, valid, and effectual in the Law, to all intents and purpoſes whatſoever, as if the ſame had been in the county where ſuch felonies had been committed; any law, uſage, or cuſtom to the contrary thereof in any wiſe notwithſtanding.

This Act not to be in force until the King's pleaſure be known.

III. *Provided nevertheleſs*, That nothing in this Act contained ſhall be of any force or effect until His Majeſty's pleaſure ſhall be known therein.

CAP. X.

An ACT in amendment of an Act made and paſſed in the ſeventh Year of His Majeſty's Reign, entitled An Act, for Partition of Lands in Copercenary, Jointenancy, and Tenancy in Common, and thereby for the more effectual collecting His Majeſty's Quit Rents in the Colony of Nova-Scotia.

For acts in amendment or addition to this Act, ſee note on 7th. and 8th. Geo. 3d. cap. 2.

Preamble.

WHEREAS *the preſent method of executing writs of partition, by the Provoſt Marſhal's ſummoning the jury to attend on the lands, in order to view and make diviſion of the ſame, may be oftentimes attended with an expence equal to, or exceeding the value of the premiſes; and may, in many caſes, be almoſt impracticable, from the nature, ſituation, and large extent of the lands to be divided, be it therefore enacted, by the Governor, Council and Aſſembly*, That it ſhall and may be lawful for the provoſt marſhal or his deputy, upon receiving any writ of partition, for dividing any lands, to proceed to the execution thereof, in any place within the county where the lands ſhall be, by a jury of the ſaid county, who ſhall accordingly make a diviſion of the ſame, agreeable to the bounds expreſſed in the grant, and the beſt information that can be procured of the value, nature and quality of the lands; and ſuch diviſion, ſo made, ſhall be as valid and effectual, to all intents and purpoſes whatſoever, as if the ſame had been made on the ſpot; *Provided* that the ſaid diviſion be made, in every other reſpect, agreeable to the laws in ſuch caſes made and provided.

Upon writs of partition, diviſion may be made of any lands by a Jury of the County in any part of the county where the lands ſhall be.

This Act not to be in force until the King's pleaſure ſhall be known.

II. *And be it further enacted*, That nothing in this Act contained, ſhall be of any force or effect, until His Majeſty's pleaſure ſhall be known therein.

CAP.

CAP. XI.

An ACT for continuing an Act made in the Sixth Year of His preſent Majeſty's Reign, entitled, an Act to prevent the multiplicity of Law Suits. Expired.

CAP. XII.

An ACT for continuing an Act, made in the Sixth Year of the Reign of His preſent Majeſty, entitled, an Act for the eſtabliſhment of Fees, as regulated by the Governor and Council, at the Requeſt of the Houſe of Aſſembly. Expired.

CAP. XIII.

An ACT for altering, amending and continuing, an Act made in the Sixth Year of His preſent Majeſty's Reign, entitled, an Act concerning Bail. Expired.

CAP. XIV.

An ACT for granting to His Majeſty an Exciſe on Wines ſold within or brought into this Province. Expired.

CAP. XV.

An ACT for altering, amending and continuing, an Act, made in the Sixth Year of His Majeſty's Reign, entitled, an Act for preſcribing the Forms of Writs and the manner of iſſuing the ſame. Expired.

CAP. XVI.

An ACT for ſuppreſſing unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be licenſed. Expired.

CAP. XVII.

An ACT to repeal two Acts made in the Seventh Year of His Majeſty's Reign, relating to the Duties of Impoſt and Exciſe. Expired.

CAP. XVIII.

Expired.

An ACT to amend, render more effectual, and reduce into one Act, the ſeveral Laws made by the General Aſſembly of this Province relating to the Duties of Impoſt on Beer, Rum, and other Diſtilled Spirituous Liquors.

CAP. XIX.

Expired.

An ACT to amend, render more effectual, and reduce into one Act, the ſeveral Laws made by the General Aſſembly of this Province, relating to the Duties of Exciſe on Rum, and other Diſtilled Spirituous Liquors.

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, 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 Tenth Day of October, 1769, in the Ninth Year of His ſaid Majeſty's Reign; being the Eighth and laſt Seſſion of the Fourth General Aſſembly convened in the ſaid Province.*

* In the time of Lord William Campbell, Governor; Jonathan Belcher, Chief Juſtice and Preſident of the Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

For Acts in addition to, or amendment of this Act, ſee note on 5th. Geo. 3d. cap. 5.

An ACT in further addition to an Act, made in the Fifth Year of His Majeſty's Reign, entitled, an Act for the raiſing Money by Preſentment on the ſeveral Counties in this Province for the defraying certain County Charges therein mentioned.

Preamble. The Grand Juries at the Court

WHEREAS *it is highly neceſſary that ſome proviſion be made for the building or repairing bridges in this province, Be it enacted by the Governor, Council and Aſſembly,* That from and after

after the publication of this Act, it shall and may be lawful for the several Grand Juries in each of the several counties within this province either at the Court of Assize or General Sessions of the Peace, held for such county, to make presentment, upon proper representations made thereon by three or more freeholders of the said county, or of their own knowledge, of all such sum and sums of money, or expences that may have arisen, or that may be necessary to be raised for the building or repairing bridges within the same county.

Of Assize, or General Sessions of the Peace, shall make presentment of such sums as are necessary for the building or repairing bridges.

II. *And be it further enacted*, That the sum or sums of money so presented, shall be assessed, raised, levied, proportioned, paid in, and applied, in manner as is prescribed and directed in and by an Act, made in the fifth year of His Majesty's Reign, entitled, An Act for the raising Money by presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned; and by an Act made in the eighth year of His Majesty's reign, in addition to and amendment of the said Act.

In what manner such sums shall be assessed, &c. 5. Geo. 3. c. 6. 8. Geo. 3. c. 6. 2. sess.

III. *And be it also further enacted*, That on the neglect of such Grand Juries to make such presentment, the Judges of Assize, or Justices of the Peace in General Sessions, shall amerce the County in such sum as shall appear to them to be necessary for the purposes aforesaid; and shall appoint three assessors in manner as is directed in and by the said last recited Act.

Upon the neglect of the Grand Juries to make presentment, the Judges of Assize or Justices in General Sessions, shall amerce the county in the sums necessary to be raised.

CAP. II.

An ACT, in further addition to, and amendment of an Act made in the Thirty-fourth year of His late Majesty's Reign, entitled, an Act for appointing Commissioners of Sewers.

For Acts in amendment or addition to this Act, see note on 34th. Geo. 2d. cap. 7.

Preamble.

WHEREAS *in the last clause of an Act, made in the third year of His present Majesty's reign, entitled*, An Act in addition to, and amendment of an Act, entitled, An Act for appointing Commissioners of Sewers, *made and passed in the thirty-fourth year of His late Majesty's reign, it is enacted*, 'That if any proprietor or proprietors of the lands dyked in or drained, 'are absent, and no person appearing in their behalf, and have not any goods or chattels to 'answer his, her or their dividend or proportion of such assessment made as aforesaid, it shall 'and may be lawful for any one of His Majesty's Justices of the Peace for the county where 'such lands lie, to let out any part of such delinquent's lands, that may be sufficient to pay by 'the produce of the same, any such dividend or proportion of the sum so due.' *But whereas it has been found by experience, that in many instances it is impracticable to lease out the lands of the non-resident and delinquent proprietors, for defraying the expences of dyking and draining, in manner as by the above recited clause is directed, and therefore the whole burthen and charge thereof, has lain and does lie on a part of the proprietors, while the lands of such delinquents are enhanced in value, without bearing any part of the expense incurred for the purpose aforesaid, for remedy whereof: Be it enacted by the Governor, Council and Assembly*, That if no person shall appear to pay the dividend or proportion of any delinquent proprietor, in any assessment made according to law, for the dyking or draining such lands, or no sufficient distress shall be found on the premises to answer such assessment as aforesaid, the commissioners of sewers shall, by advertisement during three months in the public prints, cause notice to be given for the letting out the lands of such delinquent proprietor, and if no person shall then appear to hire the same, it shall and may be lawful for the said commissioners, or any three of them, to order the provost marshal or his deputy, to sell at public auction, to the highest bidder, so much of such delinquent's lands, so dyked in and drained, as may be sufficient to pay any such dividend or proportion of the sum due as aforesaid, with the charges; being first appraised on oath by three persons to be appointed by warrant under the hands and seals of the said commissioners; and the provost marshal or his

3. Geo. 3. c. 1. 2. sess.

Lands of absent proprietors may be sold, to pay their proportion for dyking and draining the same, if no distress can be found on the premises, &c.

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deputy is hereby fully impowered and directed, immediately to execute a deed thereof, and deliver ſeizin and poſſeſſion of the ſame to the purchaſer or purchaſers; (for which the ſaid provoſt marſhal or his deputy ſhall receive a fee of ten ſhillings and no more) any law, uſage or cuſtom, to the contrary notwithſtanding.

Perſons aggrieved may appeal to the General Aſſembly.

II. *Provided always*, That any perſon thinking himſelf aggrieved at any ſale, ſo made by the commiſſioners in purſuance of this Act, may appeal to the General Aſſembly for relief.

CAP. III.

For Acts in amendment or addition to this Act, ſee note on 32d. Geo. 2d. c. 25.

An ACT in addition to an Act, made in the Thirty-ſecond Year of His late Majeſty's Reign, entitled, an Act to prevent unneceſſary firing off Guns, and other Fire Arms, in the town and ſuburbs of Halifax.

Preamble.

WHEREAS *firing off guns on or near the high roads, may be attended with fatal accidents, by frightening of horſes paſſing by, and other bad conſequences: Be it enacted by the Governor, Council, and Aſſembly*, That from and after the publication of this Act, if any child under fourteen years of age ſhall fire out of any gun, fuſee or piſtol; or if any perſon, of what age or degree ſoever, ſhall unneceſſarily fire out of any gun, fuſee or piſtol, or other fire arm, within one hundred yards of any perſon, either on horſeback or in any carriage within the peninſula of Halifax; ſuch child or perſon, their parents, guardians or maſters, ſhall forfeit the like ſum as is inflicted by the aforeſaid Act; and to be recovered, levied, and applied, in like manner as is therein provided.

Penalty on perſons under fourteen years of age firing out of any gun, &c. or any perſon firing within one hundred yards of another, either on horſeback or in a carriage within the peninſula of Halifax.

CAP. IV.

Expired.

An ACT for eſtabliſhing and regulating Ferries.

CAP. V.

Expired.

An ACT to prevent, for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal, and Peaſe, from this Province.

CAP. VI.

Expired.

An ACT in further amendment of an Act made in the Sixth year of His preſent Majeſty's reign, entitled, an Act concerning Bail.

CAP. VII.

Expired.

An ACT for further regulating the Market at Halifax.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Sixth day of June, 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. being the First Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Lord William Campbell, Governor; Jonathan Belcher, Chief Juſtice and Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; Iſaac Deſch. mps, Clerk of Aſſembly.

CAP. I.

An ACT for the ſettlement of the Poor in the ſeveral Townſhips within this Province.

For Acts in amendment or addition to this Act ſee note on 3d. and 4th. Geo. 3d. cap. 7.

WHEREAS *it is neceſſary that the Poor in this province ſhould have ſome fixed place of ſettlement, to prevent their wandering about the country, and that the towns to which they do not properly belong, ſhould not be put to the expence of ſupporting them:* *Be it enacted, by the Governor, Council and Aſſembly,* That from and after the publication hereof, no town or townſhip within this Province, ſhall be obliged to maintain any poor perſon or perſons, unleſs ſuch perſon or perſons be a native of ſuch town or townſhip, or have ſerved an apprenticeſhip, or have lived as an hired ſervant one whole year, next before ſuch perſons application for relief, or have executed ſome public annual office, or ſhall have been aſſeſſed and paid his or her ſhare of the taxes for the poor of ſuch place, or any public taxes during one whole year, at one time.

Eng. Stat. 43 Eliz. cap. 2. Preamble.

Deſcription of perſons entitled to be maintained.

II. *And it is hereby declared and enacted,* That every perſon within the ſaid deſcriptions ſhall be entitled to a ſettlement in the reſpective towns or townſhips wherein ſuch perſon or perſons ſhall be ſo qualified as aforeſaid.

and entitled to a ſettlement.

III. *And be it further enacted,* That any perſon or perſons who ſhall apply to the overſeers of the poor for relief, not having obtained a lawful ſettlement in the townſhip, ſhall be required to declare, on oath, before one of His Majeſty's Juſtices of the Peace for the ſaid townſhip or county wherein ſuch townſhip ſhall be, his, her or their, laſt place of reſidence; and if they are found to have gained any lawful ſettlement within this province, a true copy of the ſaid declaration, atteſted by the ſaid overſeers of the poor, and certified by the ſaid Juſtice of Peace, together with the amount of expence incurred, ſhall be tranſmitted to the overſeer of the poor of the townſhip to which the ſaid perſon or perſons ſhall belong, and in caſe they refuſe or neglect to remove the ſaid perſon or perſons, and pay the expences incurred, it ſhall and may be lawful for any two of His Majeſty's Juſtices of the Peace for the county or townſhip where ſuch perſon or perſons have become chargeable, by a warrant under their hands and ſeals, to cauſe him, her or them, to be removed to the townſhip where they laſt obtained a lawful ſettlement, and the overſeers of the poor are hereby required to receive ſuch perſon or perſons, and to pay ſuch ſum and ſums of money as ſhall have been neceſſarily expended as aforeſaid, to the overſeers of the poor of the townſhip from whence ſuch perſon or perſons have been removed;

Perſons applying for relief to declare their laſt place of reſidence.

Overſeers of the Poor to remove Perſons belonging to Townſhip where they ſerve.

In default, Two Juſtices by warrant to cauſe ſuch perſons to be removed,

and the overſeers to pay all charges.

If ſuch overſeers have not money in their hands, to ſtand charged therewith until next aſſeſſment.

moved; *Provided always*, That in caſe ſuch overſeer or overſeers of the poor, ſhall not have money in their hands wherewith to anſwer ſaid expence, ſuch overſeer or overſeers ſhall ſtand charged therewith, until the next aſſeſſment to be made on the townſhip to which ſuch poor perſon ſhall belong.

Two Juſtices to bind out perſons begging or ſtrolling.

IV. *And be it alſo enacted*, That it ſhall and may be lawful for any two of His Majeſty's Juſtices of the Peace, on complaint of the overſeers of the poor, to bind out any perſon or perſons, who ſhall be found begging or ſtrolling about, for any term not exceeding one year.

Eng. Stat. 3 & 4 Will. and Mary, cap. 11. Poor, old, blind, lame, and impotent perſons, to be relieved by their parents or children, in manner as by Seſſions ſhall be ordered.

V. *And be it alſo further enacted*, That the father and grand-father, mother and grand-mother, and the children and grand children, ſeverally and reſpectively, of every poor, old, blind, lame, and impotent perſon, or other poor perſons not able to work, being of ſufficient ability, ſhall at his, her, or their charges and expenſes, relieve and maintain every ſuch poor perſon as aforeſaid, in ſuch manner as the Juſtices of the Peace at their General or Quarter Seſſions ſhall order and direct, on the penalty of forfeiting and paying five ſhillings for each perſon ſo ordered, to be relieved, for every week they ſhall fail therein, to be ſued for, levied and recovered in the uſual manner, and to be applied for the uſe of the poor.

Eng. Stat. 5. Geo. 1. cap. 8. Lands, tenements and effects of parents or huſbands leaving their children or wives liable to be taken for their maintenance. Overſeers of the Poor to apply to Two Juſtices. Seizure to be allowed by Seſſions

VI. And whereas it ſometimes happens, that perſons run away, or abſcond from their places of abode and legal ſettlement, and leave their wives and families a charge to the public; although ſuch perſons may have ſome eſtate real or perſonal, whereby the place might be eaſed in whole or in part, which is moſt juſt and reaſonable; *Be it therefore enacted*, That it ſhall and may be lawful for the overſeer or overſeers of the poor of any townſhip within this province, where any huſband or father ſhall abſent from, and forſake his wife and children, or any widow ſhall abſent from, and forſake her children, and leave them a public charge, to apply to two Juſtices of the Peace, and by warrant under the hands and ſeals of the ſaid two Juſtices, to take and ſeize the goods and chattels, and let out and receive the annual rents and profits of the lands and tenements of ſuch huſband, father, or mother ſo abſconding as aforeſaid, for and towards the maintaining, bringing up, and providing for ſuch wife, child or children ſo left as aforeſaid, and ſo ſoon as the ſaid ſeizure ſhall be allowed of, and confirmed by the Juſtices in their General or Quarter Seſſions of the Peace, it ſhall and may be lawful for the ſaid overſeers, or any two of them, from time to time, and as the caſe may require, to ſell and diſpoſe of ſo much and ſo many of the ſaid goods and chattels at public ſale to the higheſt bidder, and to apply the money ariſing thereby towards the maintenance of ſuch poor family ſo left as aforeſaid.

Overſeers then to ſell and diſpoſe of Goods and Chattels for that purpoſe.

Children of Parents deceaſed, who have gained a ſettlement, to be ſupported.

VII. *And be it further enacted*, That in caſe of the death of the parents of any child or children who have gained a ſettlement in any townſhip as aforeſaid, all and every ſuch child or children, ſhall be ſupported by ſuch town or townſhip wherein the parents ſo gained a ſettlement.

Townſhips or perſons aggrieved may appeal to the Seſſions.

VIII. *And be it enacted*, That if any town or townſhip, or perſon or perſons whatſoever, ſhall think themſelves aggrieved by any proceedings had in virtue of this Act, ſuch town or townſhip, perſon or perſons, may appeal for redreſs to the next General or Quarter Seſſions of the Peace held for the county wherein ſuch town or townſhip ſhall be, or wherein ſuch perſon or perſons ſhall reſide; and the Juſtices thereof are hereby required and impowered to hear and determine all and every ſuch appeal or complaint, and to give redreſs as they in their judgment ſhall think equitable, and ſuch their order and judgment ſhall be final and bind all parties.

CAP.

CAP. II.

An ACT in further amendment of, and addition to, an Act made in the Third Year of His preſent Majeſty's Reign, entitled, an Act to enable the ſeveral Townſhips within this Province to maintain their Poor.

For Acts in amendment or addition to this Act ſee note on 3d. and 4th. Geo. 3d. cap. 7.

Preamble.

WHEREAS *the reſtraining the inhabitants of the ſeveral townſhips of this province, to meet only once a year in order to make proviſion for their poor, is found very inconvenient; Be it enacted, by the Governor, Council and Aſſembly*, That from and after the publication of this Act, it ſhall and may be lawful for the ſaid inhabitants to hold two meetings annually, if neceſſary, to make proviſion for their poor, and that the time for holding the ſaid meeetings ſhall be on the firſt Monday in April, and on the firſt Monday in November, and in caſe the buſineſs to be tranſacted at the ſaid meetings cannot be completed on the ſaid days, it ſhall and may be lawful for the chairman, with the conſent of the majority of the freeholders then preſent, to adjourn the ſame to the day following, or to one other day; any law, uſage or cuſtom, to the contrary in any wiſe notwithſtanding.

Inhabitants to hold two meetings, if neceſſary every year, on 1ſt Monday of April, and 1ſt Monday in November.

If buſineſs not completed on thoſe days, to adjourn to one other day.

II. *And be it alſo enacted*, That if the money voted for the ſupport of the poor for the current year ſhould not be ſufficient for that purpoſe, the ſaid freeholders in ſuch their next meeting ſhall be, and they are hereby, impowered to vote ſuch further ſums as ſhall be thought neceſſary to make good ſuch deficiency.

If money voted for Poor at firſt meeting is not ſufficient, the Freeholders may vote a further ſum

III. *And be it further enacted*, That the overſeers of the poor ſhall for the future account on oath, if required, before the General Seſſions of the Peace held next after the expiration of their office, for all monies raiſed and diſburſed by them for the ſupport of the poor.

Overſeers to account to Seſſions.

IV. And whereas the appointing twelve aſſeſſors for aſſeſſing the ſums voted for the ſupport of the poor, is in many reſpects found inconvenient: *Be it enacted*, That for the future the ſaid aſſeſſments ſhall be made in the ſeveral townſhips (Halifax excepted) by five freeholders, and no more; any law, uſage or cuſtom, to the contrary notwithſtanding.

Aſſeſſment in all Townſhips (Halifax excepted) by five Freeholders.

V. *And be it alſo enacted*, That in caſe of the neglect or refuſal of the freeholders of any townſhip to meet and make proviſion for their poor, as is directed in and by this Act, the Juſtices of the Peace, in the General Seſſions held for the county wherein ſuch townſhip ſhall be, ſhall on the application of the overſeers of the poor, amerce ſuch townſhip in ſuch a ſum as ſhall appear to them to be neceſſary for the purpoſes aforeſaid, and ſhall appoint five freeholders for aſſeſſing the ſame in the ſeveral townſhips, (Halifax excepted) and the ſum ſo amerced ſhall be levied, paid, and applied, for the ſupport of the poor of ſuch townſhip; and if the ſaid aſſeſſors ſo appointed, ſhall refuſe or neglect to ſerve in the ſaid office, they ſhall be ſubject to a fine of forty ſhillings each, for the uſe of the poor, which ſhall, on failure of payment, be levied by a warrant of diſtreſs and ſale of the goods and chattels of the perſon or perſons ſo refuſing or neglecting, and others ſhall be appointed in their ſtead.

In caſe of refuſal of Freeholders to meet, and provide for Poor, the Juſtices in their General Seſſions to amerce the townſhip.

Aſſeſſors refuſing or neglecting to ſerve, to pay 40s.

and others appointed.

VI. And whereas in and by an Act made in the eighth year of His preſent Majeſty's reign, entitled, An Act in further addition to, and amendment of an Act made in the third year of His preſent Majeſty's reign, entitled, an Act to enable the inhabitants of the ſeveral townſhips within this province to maintain their poor, the fine impoſed on the overſeers of the poor for neglecting to iſſue their precepts to the conſtables of the ſeveral townſhips, requiring them to notify the inhabitants to meet on the day appointed by the ſaid Act, and make proviſion for the ſupport of the poor, is directed to be paid to the treaſurer of the province: *Be it enacted*, That the ſaid fine ſhall for the future be paid to the treaſurer of the county for the uſe of the poor of the townſhip for which ſuch overſeers ſo neglecting ſhall be appointed, and that the ſaid precept ſhall have reſpect to the days appointed by this Act.

Fine on the overſeers of the poor for neglecting to iſſue precept for meeting of the inhabitants, to be paid to the county treaſurer.

Precept for notifying the inhabitants to be agreeable to this Act.

VII.

Overſeers of the poor to enter their proceedings in a book.

VII. *And be it alſo enacted*, That the overſeers of the poor in every townſhip, ſhall enter their proceedings in a book to be kept for that purpoſe, and at the expiration of their office they ſhall deliver the ſame to their ſucceſſors.

CAP. III.

Repealed by the 12th Geo. 3d. cap. 4.

An ACT to enable the ſeveral Counties within this Province to raiſe Money for payment of their Repreſentatives.

CAP. IV.

An ACT for regulating the Commons belonging to the ſeveral Townſhips in this Province.

Preamble.

WHEREAS *it is neceſſary that ſome regulations ſhould be made reſpecting the tracts of land ſet apart for common, in the ſeveral townſhips in this province :*

Juſtices in Seſſions to make regulations for the ſeveral townſhips in reſpect to the commons.

I. *Be it enacted by the Governor, Council and Aſſembly*, That the Juſtices in their ſeveral General Seſſions of the Peace, to be held for the ſeveral counties in this province, ſhall from time to time affix and ſettle ſuch regulations as they may think moſt proper and convenient to be obſerved and followed by the inhabitants in the ſeveral townſhips within ſuch county, and ſuch regulations ſo made, affixed, and ſettled, ſhall be, and are hereby declared to be the ſtated rules to be kept, obſerved, and followed, by the inhabitants of each reſpective townſhip, in regard to the common belonging to the ſame.

Penalty on ſuch as tranſgreſs the regulations ſo made ;

how to be applied,

in default of payment to be committed to goal.

II. *And be it alſo enacted*, That if any perſon ſhall tranſgreſs any ſuch rules and regulations ſo to be ſettled and affixed, or ſhall neglect or refuſe to obey the ſame, ſuch perſon ſhall forfeit and pay a fine not exceeding forty ſhillings for every ſuch offence, and in caſe ſuch offender ſhall refuſe or neglect to pay the fine, then it ſhall and may be lawful for any two of His Majeſty's Juſtices of the Peace, to grant a warrant of diſtreſs for levying the ſame in the uſual manner, one half to be to the perſon complaining, and the other half for the uſe of the poor of the townſhip where the offence ſhall be committed, and in default of ſuch diſtreſs, to commit ſuch offender for any ſpace not exceeding ten days.

CAP. V.

Act in amendment of this Act, 14th. and 15th Geo. 3d. cap. 1. Eng. ſtat. 37. Hen. 8. cap. 9. No greater intereſt than 6 per cent. per annum to be taken ; if more is taken bonds, contracts, &c. to be void ;

An ACT for eſtabliſhing the Rate of Intereſt.

Perſons who ſhall take more on any other contract for Goods,

BE *it enacted by the Governor, Council and Aſſembly*, That no perſon or perſons whatſoever, upon any contract, which ſhall be made, ſhall take directly or indirectly, for loan of any monies, wares, merchandiſe, or other commodities whatſoever, above the value of ſix pounds for the forbearance of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time ; and that all bonds, contracts, and aſſurances whatſoever, for payment of any principal or money to be lent or covenanted to be performed upon or for any uſury, whereupon or whereby there ſhall be reſerved or taken above the rate of ſix pounds in the hundred as aforeſaid, ſhall be utterly void, and that all and every perſon or perſons whatſoever, which ſhall, upon any contract to be made, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, chevizance, ſhift or intereſt of any wares, merchandiſe, or other thing or things whatſoever, or by any deceitful way or means,

means, or by any covin, engine, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the ſum of ſix pounds for the forbearing of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time, ſhall forfeit and loſe for every ſuch offence, the treble value of the monies, wares, merchandize, and other things, ſo lent, bargained, exchanged or ſhifted; one moiety thereof to be to the King's Moſt Excellent Majeſty, His Heirs and Succeſſors, for the public uſe of this province, and the ſupport of the government thereof, and the other moiety to him or them that will ſue for the ſame in any of His Majeſty's Courts of Record in the ſame County where the offence ſhall be committed, and not elſewhere, by action of debt, bill, plaint, or information, in which no eſſoign, wager of law, or protection, ſhall be allowed.

to forfeit treble value;

Application of the penalty,

how to be recovered.

II. *Provided*, That nothing in this Act ſhall extend, or be conſtrued to extend, to any ſpecialty, hypothecation, inſtrument or agreement in writing, that ſhall be made, entered into, or executed, for any money lent or advanced, upon the bottom of any ſhip or veſſel, any thing to the contrary notwithſtanding.

Exceptions.

III. *Provided alſo*, That all contracts and agreements upon loan at intereſt upon any other rate heretofore made than is preſcribed by this Act, ſhall be good, valid and effectual, to all intents and purpoſes whatſoever, in the ſame manner as if this Act had not been made.

Proviſo that all contracts, &c. upon loan at intereſt heretofore made, ſhall be good.

CAP. VI.

An ACT to alter the Manner of proceeding againſt certain Offenders, mentioned in an Act made in the Thirty-ſecond Year of His late Majeſty's Reign, entitled, an Act for puniſhing Criminal Offenders.

Acts in amendment or addition to this Act ſee note on 32d. Geo. 2d. cap. 20.

WHEREAS *in and by the fifteenth ſection of an Act made in the thirty-ſecond year of His late Majeſty's reign, entitled*, 'An Act for puniſhing Criminal Offenders,' *certain fines and penalties are preſcribed for libels and other offences therein mentioned; and whereas the manner of proſecuting ſuch offenders has been found oppreſſive:*

Preamble.

Be it enacted by the Governor, Council and Aſſembly, That for all ſuch offences as are recited in the ſection aforeſaid, the party grieved ſhall not proceed againſt ſuch offenders before Juſtices of the Peace, but by ſuit only, in any of His Majeſty's Courts of Record, and that no other penalties ſhall hereafter be inflicted for ſuch offences, except ſuch as are uſually inflicted in Courts of Record, in caſes of criminal proſecution for the ſame, any thing in the ſaid ſection to the contrary notwithſtanding.

Manner of proceeding againſt perſons publiſhing libels, &c. altered.

Suit to be in a Court of Record.

CAP. VII.

An ACT for altering the Times of holding the Courts of General Seſſions, and Inferior Courts of Common Pleas, at Liverpool, in the County of Queen's County.

WHEREAS *in and by an Act made in the ſeventh year of His preſent Majeſty's reign, entitled*, 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 'Courts of Common Pleas ſhall be held for Queen's County, in the town of Liverpool, on the

Preamble.

Courts of General Seſſions of the Peace and Inferior Court of Common Pleas to be held at Liverpool on the 2d. Tueſday of April and 2d Tueſday of October.

'first Tueſday of February, and on the third Tueſday of September,' *and whereas the holding the ſaid Courts at thoſe Times has been found inconvenient:*

I. *Be it enacted by the Governor, Council and Aſſembly*, That the ſaid Courts ſhall be held for the future, on the ſecond Tueſday of April, and ſecond Tueſday of November, in every year, any law, uſage or cuſtom, to the contrary notwithſtanding.

CAP. VIII.

An ACT for eſtabliſhing the Toll to be taken at the ſeveral Griſt-Mills in this Province.

Acts in amendment or addition to this Act 2nd. Geo. 3d. cap. 5. 18th Geo. 3d. cap 2.

Toll for grinding wheat, rye, &c. one ſixteenth.

BE *it enacted by the Governor, Council and Aſſembly*, That the Toll to be taken by every Miller for grinding wheat, rye, barley, oats, and indian corn, ſhall be one ſixteenth part, and no more, to be aſcertained by a ſealed meaſure.

Millers taking greater toll, to forfeit 40s. Application. How recoverable

II. *And be it alſo enacted*, That if any Miller ſhall take any greater Toll than is herein directed to be taken, he ſhall forfeit and pay the ſum of forty ſhillings, to be paid to the Overſeers of the Poor of the townſhip wherein the offence ſhall be committed, or of the townſhip moſt contiguous thereto, for the uſe of the Poor, and be recovered before two of His Majeſty's Juſtices of the Peace, and the amount of the value of ſo much grain or meal as ſhall have been taken, more than the Toll herein preſcribed, ſhall alſo be recovered in like manner.

Value of grain taken more, to be recovered in like manner.

Millers not obliged to grind grain not clean, dry, and in good order.

III. *Provided always*, That no Miller ſhall be obliged to receive and grind any corn, or grain, which ſhall not be clean, dry, and in good order.

CAP. IX.

An ACT for altering and amending an Act, made in the Firſt Year of His preſent Majeſty's Reign, entitled, an Act for prohibiting the Exportation of Raw Hides, Sheep or Calf Skins, out of this Province, other than for Great-Britain, and to prevent the cutting, ſplitting, or flawing, of Hides.

See 1ſt Geo. 3d. cap. 22.

Preamble.

WHEREAS *in and by an Act made in the firſt year of His preſent Majeſty's reign, entitled*, An Act for prohibiting the exportation of Raw Hides, Sheep or Calf Skins, out of this Province, other than for Great-Britain, and to prevent the cutting, ſplitting, or flawing, of hides, *it is provided*, 'That when the current price of raw hides, ſuch as ox, bull, ſteer or cow, 'ſhall be under three halfpence per pound, the ſame may be exported to any of His Majeſty's Plantations,' which has proved a great grievance.

Ox, bull, ſteer, or cow hides may be exported to the plantations when the price is 3d. per lb. or under.

Be it enacted by the Governor, Council and Aſſembly, That from and after the publication of this Act, it ſhall and may be lawful for any perſon or perſons to export to any of His Majeſty's Plantations, any ſuch raw hides as above mentioned, when the price of ſuch hides ſhall be three pence per pound or under.

CAP. X.

For other matters reſpecting fiſhery, ſee note on 3d. and 4th. Geo. 2d. cap. 2.

An ACT for the benefit of the Fiſhery on the Coaſts of this Province.

Preamble.

WHEREAS *it is apprehended that the frequent ſcarcity of fiſh on the banks near the ſhores of this province, may be occaſioned by fiſhermen throwing into the ſea the offal of the fiſh they kill; for remedy whereof,*

I.

I. *Be it enacted by the Governor, Council, and Aſſembly*, That from and after the publication hereof, if any fiſherman in any veſſel, bark or boat, ſhall preſume to throw into the ſea within three leagues of any of the ſhores of this province, any heads, bones, or other offal of the fiſh they may take, the maſter of ſuch fiſhing veſſel, bark, or boat, ſhall, upon due conviction thereof, by the oath of one credible witneſs, before any one of His Majeſty's Juſtices of the Peace, or by the view of the ſaid Juſtice, pay for each and every ſuch offence the ſum of five pounds. No heads, bones, or other offal of fiſh to be thrown into the ſea within three leagues of the ſhore. Maſter to pay 5l. Mode of conviction.

II. *And be it further enacted*, That all penalties incurred and ariſing by this Act, ſhall be applied, one moiety to the perſon who ſhall inform and ſue for the ſame, the other moiety to be paid into His Majeſty's Treaſury for the uſe of the province, the ſame to be levied by diſtreſs and ſale of the offender's goods and chattels, together with the charges of ſuch diſtreſs and ſale, rendering the overplus (if any be) to the owner or owners thereof. Half to the perſon informing and ſuing, half to His Majeſty for the uſe of the Province.

III. *Provided nevertheleſs*, That nothing in this Act ſhall extend to the debarring any fiſhermen in boats, who ſpilt and dreſs their fiſh on ſhore, from throwing the offal of their fiſh into what is called the land-waſh. Boats who ſplit and dreſs fiſh on ſhore, may throw offal into land land waſh.

CAP. XI.

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

CAP. XII.

An ACT for granting to His Majeſty a Duty of Impoſt on Loaf Sugar and Cyder. Expired.

CAP. XIII.

An ACT for continuing an Act, made in the Eighth Year of His preſent Majeſty's Reign, entitled, an Act for ſuppreſſing unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be licenſed. Expired.

CAP. XIV.

An ACT in addition to an Act, made in the Eighth Year of His preſent Majeſty's Reign, entitled, an Act to amend, render more effectual, and reduce into one Act, the ſeveral Laws made by the General Aſſembly of this Province, relating to the Duty of Exciſe on Rum, and other Diſtilled Spirituous Liquors. Expired.

CAP.

CAP. XV.

An ACT, in addition to an Act made in the Eighth Year of His preſent Majeſty's Reign, entitled, an Act to amend, render more effectual, and reduce into one Act, the ſeveral Laws made by the General Aſſembly of this Province relating to the Duties of Impoſt on Beer, Rum, and other Diſtilled Spirituous Liquors.

Expired.

CAP. XVI.

An ACT for continuing an Act made in the Eighth Year of His preſent Majeſty's Reign, entitled, an Act for granting to His Majeſty an Exciſe on Wines ſold within, or brought into, this Province.

Expired.

CAP. XVII.

An ACT for raiſing the ſum of One Thouſand Pounds, by a Lottery or Lotteries, for the building Bridges, and making Roads of communication throughout the Province.

Executed.

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 Fifth Day of June, Anno Domini 1771, in the Eleventh Year of His ſaid Majeſty's Reign; being the Second Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Lord William Campbell, Governor; Jonathan Belcher, Chief Juſtice and Preſident of the Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT in addition to an Act made in the Thirty-Second year of His late Majeſty's reign, entitled, an Act relating to Wills, Legacies, and Executors, and for the ſettlement and diſtribution of the Eſtates of Inteſtates.

This Act was not approved of by His Majeſty.

CAP. II.

An ACT, in amendment to an Act made in the Thirty-Second year of His late Majeſty's Reign, entitled, an Act declaring what ſhall be deemed a Publication of the Province Laws.

See 32d. Geo. 2d. cap. 22.

BE *it enacted by the Governor, Council and Aſſembly*, That for the future, notice being given in the Nova-Scotia Gazette, or other public news paper, or by affixing ſuch notice on the church door at Halifax, that any law of the province was paſſed in General Aſſembly, inſerting the title thereof, ſhall be deemed and is hereby made a full and proper publication of ſuch law, any thing in the above-recited Act to the contrary notwithſtanding.

Notice given in the Nova-Scotia Gazette or other newſpaper, or affixing on the Church door the title, to be deemed a publication.

CAP.

CAP. III.

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

See note on 32d. Geo. 2d. cap. 21. Eng. Stat. 21. Jac. 1. cap. 26.

Felony for any person to be bail in another man's name.

BE *it enacted by the Governor, Council and Assembly*, That any person or persons who shall, before the Judges of the Supreme Court, or other Judges, or other persons impowered by law to take bail, or bails, represent or personate any other person or persons, whereby the person or persons, so represented, or personated, may be liable to the payment of any sum or sums of money, for debt or damages, to be recovered in the same suit or action wherein such person or persons are represented or personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed, and taken, to be felons, and suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted and attainted do, by the laws of England, lose and forfeit.

CAP. IV.

This Act changed by the 40th. Geo. 3d. cap. 5.

An ACT for altering the Times of holding the Courts of General Sessions, and Inferior Court of Common Pleas, at Annapolis, in the County of Annapolis.

CAP. V.

Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 14.

An ACT in further addition to an Act made in the Thirty-Second Year of His late Majesty's Reign, entitled, an Act for preventing Trespasses.

Preamble.

WHEREAS *it has been found impracticable to keep up and maintain fences of four feet and an half high, on the Peninsula of Halifax, especially such as are made of stones, whereby the proprietors of fenced lands suffer great damage by trespasses, and are unable to recover the same by law:*

Fences on the peninsula of Halifax to be 4 feet high.

I. *Be it therefore enacted by the Governor, Council and Assembly*, That all fences on the peninsula of Halifax, four feet in height shall be adjudged a good and sufficient fence to prevent trespasses; and any damage done within any inclosure so fenced, shall be recoverable in manner as is directed by an Act, entitled, An Act for preventing trespasses.

Justices of Peace in Sessions to make regulations for preventing trespasses.

II. *And be it further enacted*, That the Justices of the peace for the county of Halifax, shall, and are hereby impowered in their Quarter Sessions of the Peace, to make regulations for preventing trespasses by horses, swine, sheep, goats and neat cattle, going astray, in manner as shall be most agreeable to the circumstance of such county or townships therein, and enforce the same by the like penalties as the Justices of the peace in other counties at their General Sessions of the Peace are impowered to do.

CAP.

CAP. VI.

An ACT for the more effectually securing the Title of Purchasers againſt claims for Dower.

For Acts in amendment or addition to this Act, ſee note on 8th, Geo. 3d. cap. 8.

WHEREAS *ſome doubts have ariſen concerning the conveyance of dower by the wife in her huſband's life time in the manner and form now in practice, in order therefore to prevent any difficulty that may hereafter ariſe touching the ſame:* Preamble.

I. *Be it enacted, by the Governor, Council and Aſſembly*, That where a ſale ſhall be made of lands or tenements by the huſband and his wife, before ſuch deed ſhall be valid and ſufficient to bar the wife from the recovery of her dower after the deceaſe of her huſband, ſhe ſhall be examined by one of His Majeſty's Juſtices of the Peace, whether ſhe hath done the ſame freely, voluntarily, and without compulſion from her huſband, and if before ſuch Juſtice ſhe ſhall declare, that ſhe hath freely and voluntarily ſigned ſuch deed, and therein aſſigned her right of dower, the Juſtice ſhall accordingly certify ſuch acknowledgments on the deed, which ſhall for ever bar her from the recovery of her right of dower to ſuch lands ſo conveyed. Wife aſſigning dower to be examined before a Juſtice of the Peace. Juſtice to certify on the deed.

II. *Provided always*, That nothing in this Act contained, ſhall any ways affect any deed or conveyance of land heretofore made. Nothing in this Act to affect any deed before made.

CAP. VII.

An ACT in addition to, and amendment of, an Act, made in the Tenth year of His preſent Majeſty's reign, entitled, an Act to enable the ſeveral Counties, within this Province, to raiſe Money for payment of their Repreſentatives.

Repealed by the 12th Geo. 3d. cap. 4.

CAP. VIII.

An ACT for altering and amending an Act, made in the Thirty-Second year of His late Majeſty's reign, entitled, an Act relating to the aſſize of Bread, and for aſcertaining the Standard of Weights and Meaſures.

Repealed by 36th Geo. 3d.

CAP. IX.

An Act for altering an Act made in the Ninth Year of His preſent Majeſty's reign, entitled, an Act in further addition to, and amendment of, an Act made in the Thirty-Fourth year of His late Majeſty's reign, entitled, an Act for appointing Commiſſioners of Sewers.

For Acts in amendment or addition to this Act, ſee note on 34th. Geo. 3d. cap. 7.

WHEREAS *in the ſecond ſection of an Act, made in the ninth year of his preſent Majeſty's reign, entitled, an Act, in further addition to, and amendment of an Act, made in the thirty-fourth year of his late Majeſty's reign, entitled,* an Act for appointing Commiſſioners of Sewers, *it is provided* Preamble.

vided, 'that any perſon thinking himſelf aggrieved at any ſale made by the Commiſſioners of Sewers in purſuance of the ſaid Act, may appeal to the General Aſſembly for relief.'

And whereas great inconveniences and delays have ariſen, to perſons ſo aggrieved, by an appeal to the General Aſſembly, therefore to remedy that inconvenience and prevent ſuch delays for the future,

Appeals in caſe of ſale of land by Commiſſioners of Sewers to be made to the Governor and Council.

I. *Be it enacted by the Governor, Council and Aſſembly*, That all ſuch Appeals, as by the aforerecited ſection of the ſaid Act are to be made to the General Aſſembly, by any perſon thinking himſelf aggrieved at any ſale made by the Commiſſioners of Sewers as aforeſaid, ſhall, from and after the publication hereof, be made to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and His Majeſty's Council, who are hereby authoriſed and impowered to take cognizance thereof, and to proceed thereon in like manner as by the before recited clauſe of the ſaid Act ſhould have been done by the General Aſſembly.

CAP. X.

An ACT to avoid the Double Payment of Debts.

Made perpetual by 17th. Geo. 3d. cap. 2.

WHEREAS divers men of trades, and handicraftſmen, keeping ſhop books, do demand debts of their cuſtomers upon their ſhop books long time after the ſame hath been due, and when, as they have ſuppoſed, the particulars and certainty of the wares delivered to be forgotten, then either they themſelves or their ſervants have inſerted into their ſaid ſhop books divers other wares, ſuppoſed to be delivered to the ſame parties or to their uſe, which in truth never were delivered, and this of purpoſe to increaſe by ſuch undue means the ſaid debt. And whereas divers of ſaid tradeſmen, and handicraftſmen, having received all the juſt debt due upon their ſaid ſhop books, do oftentimes leave the ſame books uncroſſed, or any way diſcharged, ſo as the debtors, their executors or adminiſtrators, are often, by ſuit of law, enforced to pay the ſame debts again to the party that truſted the ſaid wares, or to his executors or adminiſtrators, unleſs he or they can produce ſufficient proof, by writing or witneſſes, of the ſaid payment, that may countervail the credit of the ſaid ſhop books, which few, or none, can do in any long time after the ſaid payment:

Preamble.

No tradeſman, &c. from the 1ſt January, 1772, allowed to give his ſhop-book in evidence, when debt above two years. Exception.

I. *Be it therefore enacted, by the Governor, Council and Aſſembly*, That no tradeſman, or handicraftſman, keeping a ſhop book as is aforeſaid, his or their executors or adminiſtrators, ſhall from the firſt day of January, 1772, be allowed, admitted or received, to give his ſhop book in evidence in any action for any money due for wares hereafter to be delivered, or for work hereafter to be done, above two years before the ſame action brought, except he or they, their executors or adminiſtrators, ſhall have obtained or gotten a bill of debt, or obligation, of the debtor for the ſaid debt, or ſhall have brought or purſued againſt the ſaid debtor, his executors or adminiſtrators, ſome action for the ſaid debt, wares, or work done, two years next after the ſame wares delivered, money due for wares delivered, or work done.

Not to extend to any trading or dealing between merchant and merchant, &c.

II. *Provided always*, That this Act, or any thing therein contained, ſhall not extend to any intercourſe of traffic, merchandizing, buying, ſelling, or other trading, or dealing, for wares delivered, or to be delivered, money due, or work done or to be done, between merchant and merchant, merchant and tradeſman, or between tradeſman and tradeſman, for any thing directly falling within the circuit or compaſs of their mutual trades and merchandize, but that for ſuch things only, they and every of them ſhall be in caſe, as if this Act had never been made, any thing herein contained to the contrary thereof notwithſtanding.

Act to continue 5 years from 1ſt January, 1772.

III. This Act to continue five years from and after the firſt day of January, one thouſand ſeven hundred and ſeventy two, and until the end of the Seſſion of the General Aſſembly then next following.

CAP.

CAP. XI.

An ACT for further continuing an Act made in the Eighth Year of His preſent Majeſty's Reign, entitled, an Act for granting to His Majeſty an Exciſe on Wines ſold within, or brought into, this Province. Expired.

CAP. XII.

An ACT for continuing an Act, made in the Tenth year of His preſent Majeſty's reign, entitled, an Act for granting to His Majeſty a Duty of Impoſt on Loaf Sugar and Cyder. Expired.

CAP. XIII.

An ACT for altering and further continuing an Act, made in the Eighth Year of His preſent Majeſty's Reign, entitled, an Act for ſuppreſſing unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be licenſed. Expired.

CAP. XIV.

An ACT in amendment to, and for continuing the ſeveral Acts of the General Aſſembly of this Province relating to the Duties of Impoſt on Beer, Rum, and other Diſtilled Spirituous Liquors. Expired.

CAP. XV.

An ACT for altering and continuing an Act, made in the Tenth year of His preſent Majeſty's reign, entitled, an Act for granting to His Majeſty an Exciſe on Tea, Coffee, and Playing Cards, ſold within or brought into this Province. Expired.

CAP. XVI.

An ACT for continuing an Act, made in the Tenth year of His preſent Majeſty's reign, entitled, an Act for further regulating the Market at Halifax. Expired.

CAP. XVII.

Expired.

An ACT for continuing an Act made in the Eighth Year of His preſent Majeſty's reign, entitled, an Act for granting to His Majeſty a Duty on Wheel Carriages within the Peninſula of Halifax.

CAP. XVIII.

Expired.

An ACT for continuing ſeveral Acts that are near expiring.

CAP. XIX.

Expired.

An ACT for altering, amending, and further continuing an Act, made in the Sixth Year of His preſent Majeſty's Reign, entitled, an Act for preſcribing the Forms of Writs, and the manner of iſſuing the ſame.

CAP. XX.

Expired.

An ACT in amendment to, and for continuing the ſeveral Acts of the General Aſſembly of this Province, relating to the Duties of Exciſe on Rum, and other Diſtilled Spirituous Liquors.

CAP. XXI.

For Acts in amendment or addition to this Act ſee note on 5th Geo. 3d. cap. 11.

An ACT in amendment of an Act, made in the Fifth Year of His preſent Majeſty's Reign, entitled, an Act for the Summary Trial of Actions.

Preamble.

WHEREAS *the proceedings for the recovery of ſmall debts have hitherto been attended with great expence, in order to remedy the ſame;*

Cauſes not exceeding 3l. to be ſued for before one or more Juſtices of the Peace.

Summons in Halifax to be directed to the Provoſt Marſhal, or his Deputy; in other townſhips to the Provoſt Marſhal, his Deputy, or Conſtable.

I. *Be it enacted by the Governor, Council and Aſſembly*, That for the future all cauſes where the ſum ſhall not exceed three pounds, ſhall be ſued for and recovered before one or more Juſtices of the Peace, and that the ſummons in ſuch cauſes as relate to the townſhip of Halifax ſhall be directed to the provoſt marſhal or his deputy, and in all ſuch cauſes as relate to the other townſhips in the province, the ſaid ſummons ſhall be directed to the provoſt marſhal, his deputy, or the conſtable of the townſhip where the plaintiff or defendant ſhall dwell, and ſhall be by the ſaid provoſt marſhal, his deputy, or conſtable, read to the defendant, or in his abſence, a copy thereof ſhall be left at his houſe, lodging, or laſt place of abode, at leaſt three days before the trial.

Fees for Summons and Execution, and alſo for ſervice.

II. *And be it enacted*, That for the ſerving the ſaid ſummons, the provoſt marſhal, his deputy or conſtable ſhall have two ſhillings and ſix pence, and no more, and for the ſervice of the execution, one ſhilling, with one ſhilling poundage on levying, and that the whole expence to be charged by the Ju[illegible]uſtices, for the ſummons, judgment and execution, ſhall be four

four ſhillings and ten pence, that is to ſay, two ſhillings and ſixpence for the ſummons, one ſhilling for the judgment, and one ſhilling and four pence for the execution, any law, uſage or cuſtom to the contrary thereof notwithſtanding.

Provided, That in caſe the provoſt marſhal, his deputy, or conſtable, ſhall be obliged to travel upwards of two miles to ſerve or levy the execution, he ſhall be allowed two pence per mile travel. Travelling allowance.

III. *And be it alſo enacted*, That the form of the ſummons, and execution ſhall be as follows:

FORM of the SUMMONS.

Form of the Summons.

To

YOU are hereby required to ſummon A. B. of to appear before me on the Day of at o'Clock in the to anſwer to C. D. in the ſum of and make return hereof, on or before ſaid day.

Witneſs my hand and ſeal the

FORM of the EXECUTION.

To

WHEREAS judgment hath been awarded againſt A. B. of at the ſuit of C. D. for the ſum of and more for coſts, theſe are to require and command you, to levy from off the goods and chattels of the ſaid A. B. the ſaid ſums, making together by ſale of the ſaid goods and chattels and for want thereof, you are hereby commanded to take the body of ſaid A. B. and him to commit to His Majeſty's goal in there to remain until he pay the ſum abovementioned, with your fees, or that he be diſcharged by the ſaid C. D. or otherwiſe by order of law. Hereof fail not, and make return of this writ to me within ten days.

Form of the Execution.

Witneſs my hand and ſeal the

IV. *And be it alſo further enacted*, That any one of His Majeſty's Juſtices of the Peace is hereby impowered to take the voluntary confeſſion of the debtor, where the debt ſhall not exceed three pounds, in like manner as is provided for confeſſions before the Juſtices of the Supreme Court or Inferior Courts, for which confeſſion and execution ſuch Juſtice ſhall receive two ſhillings and no more.

Juſtices of the Peace may take Confeſſions of Debts not exceeding 3l.

CAP. XXII.

Expired.

An ACT in addition to an Act made in the Sixth Year of His preſent Majeſty's Reign, entitled, an Act for the Eſtabliſhment of Fees, as regulated by the Governor and Council, at the requeſt of the Houſe of Aſſembly.

At

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 Ninth Day of June, Anno Domini 1772, in the Twelfth Year of His ſaid Majeſty's Reign; being the Third Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Michael Franklin, Lieutenant-Governor; Jonathan Belcher, Preſident of Council, and Chief Juſtice; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT for altering the Times of holding the Courts of General Seſſions, and Inferior Court of Common Pleas, at Horton, in King's County.

Altered by the 39th Geo. 3d. cap. 6.

CAP. II.

An ACT for impowering the Juſtices of the Peace for the County of Sunbury, to hold Courts of General Seſſions of the Peace at Warrington, on the Iſland of Campo Bello, in the ſaid County, for the ſaid Iſland, and for the Diſtrict of Paſſamaquoddy, comprehending the Iſlands within the ſaid Diſtrict.

This Act not in force, the places mentioned therein being now in the Province of New-Brunſwick.

CAP. III.

An ACT declaring what ſhall be deemed Merchantable Timber for Exportation to Great-Britain.

Preamble.

WHEREAS *the improving and ſecuring the Lumber Trade from this Colony to Great-Britain will be highly beneficial, not only to the mother country, but alſo to this Province; and whereas certain regulations relating to the exportation of ſquare timber are found to be neceſſary;* I.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That no hewn timber shall be deemed merchantable, or offered for sale for the British market, as such, unless the same is sound, properly squared, and not less than ten inches square, and free of bark, and the surveyors of lumber are hereby directed to survey, measure and mark the same, and none other, for the British market, before the same shall be shipped for exportation, for which such surveyor shall receive three pence per ton and travelling charges. What is deemed Merchantable Timber. Surveying.

II. *And be it further enacted*, That where any contract or bargain shall be made for any quantity of timber for the British market, the same shall be understood to be according to the directions of this Act, and no merchant, or trader in lumber, shall be obliged to take any other, unless by particular agreement first made for the same. Contract for Timber for the British Market to be in conformity to the Act.

CAP. IV.

An ACT to repeal two Acts, made in the Tenth and Eleventh years of His present Majesty's reign, to enable the several Counties, in this Province, to raise Money for payment of their Representatives.

10th. Geo. 3d. cap. 3. 11th Geo. 3d. cap. 7.

WHEREAS *several inconveniences and difficulties have attended the carrying into execution the Acts made to enable the several counties and townships in this Province, to raise money for payment of their Representatives:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That an Act made in the tenth year of His present Majesty's reign, entitled, An Act to enable the several counties within this Province to raise money for payment of their Representatives; and an Act made in the eleventh year of His said Majesty's reign, in addition to and amendment of the said Act, and every clause, matter and thing therein contained, be, and the same are hereby repealed. Two Acts for payment of Representatives, repealed.

II. *Provided always*, That nothing in this Act contained, shall be of any force or effect until His Majesty's pleasure therein shall be known. This Act not to be in force until His Majesty's Pleasure be known.

CAP. V.

An ACT in further amendment of, and in addition to, an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for Confirming Titles to Lands, and Quieting Possessions.

For Acts in amendment - radditon to this Act, see note on 32nd Geo. 2d. cap. 2.

WHEREAS *the great extent of this Province, and the difficulties attending the bringing deeds and conveyances from the several distant Counties and Towns within the same, to Halifax, to be registered, made it expedient and necessary for the Registers of Deeds, to appoint deputies in such Counties and Towns, and whereas it will greatly contribute to the ease and convenience of the inhabitants that such deputations be continued:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly*, That it shall and may be lawful for the Register of this Province, to appoint one or more deputies in the several Counties within the same, such person being approved by the Governor, Lieutenant-Governor, or Commander in Chief; and all registers and proceedings thereon, relating to the conveying of any lands, tenements or hereditaments, within the limits of such deputations shall be, and they are hereby declared Deputy Registers in the Counties. If Deed is lost the copy from the

Registry to be allowed as evidence.

declared authentic and valid; and if any original deed which may hereafter be registered by the deputy register, shall be lost, and proof thereof in Court being made, that then the registry or record of such deed or deeds shall be allowed to be good evidence in any Court of Law or Equity within this Province.

Where Deputy Registers are appointed Deed to be registered.

II. *And be it also enacted*, That where deputy registers shall be appointed, all deeds or conveyances, shall be registered in the office of the county or district within which such lands do lie.

An extract and certificate of all Deeds registered to be transmitted to the Register's Office at Halifax, within a certain period,

III. *Provided always, and be it also enacted*, That an extract and certificate of all deeds and conveyances, touching any lands or hereditaments, which shall be registered or recorded by such deputies as aforesaid, within the peninsula of Nova-Scotia, shall once in three months be transmitted to the register's office at Halifax, and of all deeds and conveyances, touching any lands or hereditaments, lying to the northward of the said peninsula, within six months after the registry of such deeds and conveyances, and the register of deeds at Halifax, shall note the time of his receiving the certificate, and duly enter the same in the registry at Halifax, which shall be as effectual as if the original deed had been by him first registered, as well for those which have been heretofore registered by the deputy registers, or shall hereafter be registered by virtue of this Act. And if any deputy register shall fail to transmit such extracts to the register's office at Halifax, as aforesaid, he shall forfeit and pay for the use and service of the Government of this Province, the sum of five pounds, to be recovered on complaint of the Register of the Province, before any Court of Record within the same, and such deputy so failing, shall moreover be liable to an action at law for all damages sustained by the party aggrieved.

Deputy Register failing to transmit to forfeit 5l. and liable to an action by party aggrieved.

All deeds heretofore registered by the Deputies, and certificates returned, or which shall be returned before first Nov. next, good and valid.

IV. *And be it further enacted*, That all deeds heretofore registered by the deputy registers in the several towns and counties in this Province, whereof certificates of the registry have been duly returned to the register's office at Halifax, and entered there, or which shall, on or before the first day of November next be returned and entered there as aforesaid, shall be deemed good and valid, as though the same had been duly at first entered in the registry at Halifax aforesaid; *Provided*, that nothing herein shall extend to affect any attachment heretofore made, or judgment which may have been recovered on any lands or hereditaments, a certificate of the registry whereof has not already been returned as aforesaid.

CAP. VI.

For Acts in amendment or addition to this Act see note on 3d and 4th Geo. 3d cap. 7.

An ACT, in further amendment of, and in addition to an Act made in the Third year of His present Majesty's Reign, entitled, an Act to enable the several Townships within this Province to maintain their Poor.

Preamble.

WHEREAS *the appointing twelve assessors for assessing the sums voted for the support of the poor, is found inconvenient at Halifax, as well as in the several other townships in this Province:*

Freeholders chosen to make assessment,

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That the inhabitants in each and every town or township in this Province, shall, at their meeting for raising money for the support of the poor, choose five freeholders of the said town or township, any three of whom to be a quorum, (and who being first duly sworn) are hereby impowered to assess the inhabitants of such township their proportions of the sum voted for the support of the poor, as near as may be according to their abilities; and in case the said assessors shall neglect or refuse to make the said assessment within twenty days after their appointment, each and every person so refusing or neglecting, shall be subject to a fine of five pounds, for the use of the poor of such township, which shall, on failure of payment, be levied on complaint of the overseers of the poor, before, two of His Majesty's Justices of the Peace, by warrant of distress and sale of the offender's goods and chattels, and another shall be appointed in his stead.

Assessors refusing or neglecting to meet and make assessment, subject to a fine of 5l. and another to be appointed.

II.

II. *Provided always*, That no perſon ſhall be obliged to ſerve as an aſſeſſor, oftener than once in three years. Aſſeſſors not to ſerve more than once in 3 years.

III. *And be it further enacted*, That no perſon ſhall be aſſeſſed any thing towards the ſupport of the poor, unleſs in the opinion of the aſſeſſors he ſhall be able to pay the ſum of one ſhilling, at leaſt, annually. No perſon to be aſſeſſed unleſs able to pay 1s. at leaſt.

IV. And whereas no monies have been raiſed for the ſupport of the poor of the townſhip of Halifax, for this preſent year; *Be it enacted*, That it ſhall and may be lawful for the Overſeers of the Poor of the ſaid townſhip of Halifax, to warn the inhabitants of ſaid townſhip to meet on the fifteenth day of July, of this preſent year, one thouſand ſeven hundred and ſeventy two, giving them ſix days notice; and the inhabitants ſo met, are hereby impowered to vote ſuch a ſum of money as they ſhall judge neceſſary for the ſupport and maintenance of their poor for the current year, to be aſſeſſed, levied, and raiſed as by the laws of this province is directed. Overſeers to warn inhabitants to meet. and vote money for ſupport of the Poor.

V. And whereas ſeveral of the inhabitants of the townſhip of Halifax, have already voluntarily contributed and paid towards the ſupport of their poor for the preſent year; *Be it enacted*, That the collectors appointed to collect the ſum to be voted as aforeſaid, ſhall deduct from ſuch perſons the reſpective ſums by them ſo contributed and paid, out of the ſum they ſhall be aſſeſſed by virtue of this Act. Contributions already paid towards relief of the Poor to be deducted.

VI. *And be it further enacted*, That all former aſſeſſments heretofore made for the maintenance of the poor, ſhall be, and they are hereby confirmed; and the arrears due thereon, ſhall, and may be collected and levied by the collectors for the time being, any want of form or length of time ſince the ſaid aſſeſſments have been made, notwithſtanding. Former aſſeſſments confirmed.

CAP. VII.

An ACT in amendment of, and for continuing the ſeveral Acts of the General Aſſembly of this Province, relating to the Duties of Impoſt and Exciſe on Beer, Rum, and other diſtilled Spirituous Liquors, Cyder, Loaf Sugar, and Wines, therein mentioned. Expired.

CAP. VIII.

An ACT to prevent for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal and Peaſe, from this Province. Expired.

CAP. IX.

An ACT for raiſing a Fund for the purpoſe of making and repairing Bridges and Roads of Communication through the Province. Expired.

CAP.

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 Twentieth Day of April, Anno Domini 1773, in the Thirteenth Year of His ſaid Majeſty's Reign, being the Fourth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Lord William Campbell, Governor; Richard Bulkeley, Preſident and Secretary of Council; William Neſbit, Speaker; Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT in further amendment of the ſeveral Acts of the General Aſſembly of this Province, relating to the Duties of Impoſt and Exciſe on Rum and other diſtilled Spirituous Liquors, and for continuing an Act made in the Twelfth year of His preſent Majeſty's reign, entitled, an Act in amendment of and for continuing the ſeveral Acts of the General Aſſembly of this Province, relating to the Duties of Impoſt and Exciſe on Beer, Rum and other diſtilled Spirituous Liquors, Cyder, Loaf Sugar and Wines therein mentioned.

Expired.

CAP. II.

Expired.

An ACT for furher continuing the ſeveral Acts relating to the Duty on Licenſed Houſes.

CAP.

CAP. III.

An ACT for amending and continuing an Act, made in the Twelfth year of His preſent Majeſty's reign, entitled, an Act for raiſing a Fund, for the purpoſe of making and repairing Bridges and Roads of communication throughout the Province. Expired.

CAP. IV.

An ACT for regulating the Fiſhery within the Harbour of Halifax. Expired.

CAP. V.

An ACT to prevent for a limited time, the Exportation or Shipping of Wheat, Rye, Barley, Flour, Meal and Peaſe, from any of the Ports or Places in this Province, within the Bay of Fundy. Expired.

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 Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Francis Legge, Governor; Richard Bulkeley, Preſident of Council; Henry Denny Denſon, Speaker; John Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

This Act executed.

An ACT to impower 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.

CAP. II.

For Acts in amendment or addition to this Act, ſee note on 7th and 8th Geo. 3d cap. 2.

An ACT for the rating and levying the Expences attending the executing Writs of Partition.

Preamble.

WHEREAS *difficulties may ariſe in the recovery of the charges and expences attending the executing Writs of Partition, unleſs the ſame is enforced by Law:*

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 levied.

Levying, &c.

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.

II.

If proprietor, or perſon in poſſeſſion, refuſes or neglects to pay ſum aſſeſſed, the ſame may be levied by diſtreſs

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.

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

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.

CAP. III.

An ACT, in further amendment of an Act made in the Firſt year of His preſent Majeſty's Reign, entitled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the ſeveral Townſhips in this Province.

For Acts in amendment or addition to this Act ſee note on 1ſt Geo. 3d. cap. 14.

Preamble.

WHEREAS *in the ſecond ſection of an Act made in the firſt year of His preſent Majeſty, entitled*, 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, &c. to be recovered 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. though 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.

Penalty for encumbering or ſtopping roads or ſtreets.

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 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

be recovered by warrant of diſtreſs and ſale of the offender's 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.

CAP. IV.

For Acts in amendment or addition to this Act, ſee note on 32d. Geo. 2d. cap. 15.

An ACT to further explain and amend an Act, made in the Thirty-Second year of His late Majeſty's reign, entitled, an Act for making Lands and Tenements liable to the Payment of Debts.

Preamble.

WHEREAS *in the firſt ſection of an Act made in the thirty-ſecond year of His late Majeſty's reign, entitled,* 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 Legiſlature, that notice of any ſale, intended to be made by the Provoſt Marſhal or his deputy as aforeſaid, ſhall be publiſhed in the Nova-Scotia Gazette, or other public newſpaper, 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.

Manner of giving notice of the ſale of lands, &c. by Provoſt Marſhal.

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 needful 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 execution 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 anywiſe 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

III. *And whereas no proviſion is made in and by the afore-recited Act, for the relief of femes 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 entitled, 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 entitled to ſue for, and recover any lands or tenements within this Province, to which they are entitled 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.

CAP.

CAP. V.

An ACT in further amendment of, and for continuing the ſeveral Acts of the General Aſſembly of this Province, relating to the Duties of Impoſt and Exciſe on Beer, Rum, and other diſtilled Spirituous Liquors, and Wines, therein mentioned. Expired.

CAP. VI.

An ACT for altering and continuing the ſeveral Acts relating to the Duty on Licenſed Houſes. Expired.

CAP. VII.

An ACT for continuing the ſeveral Acts for raiſing a Fund for the purpoſe of making and repairing Bridges and Roads of Communication through the Province. Expired.

CAP. VIII.

An ACT for farming the Duties of Impoſt and Exciſe on Beer, Rum, and other diſtilled Spirituous Liquors, and Wines, at the Iſland of Cape-Breton, and Diſtrict of Canſo, and to enable the Farmer or Farmers thereof to collect the ſame. Expired.

CAP. IX.

An ACT in addition to an Act, made in the Fifth Year of His preſent Majeſty's Reign, entitled, an Act for the Summary Trial of Actions.

For Act ſeeing amendment or addition to this Act ſee note on 5th Geo. 3d. cap 11.

WHEREAS *the ſummary trial of certain cauſes has been found of great utility, and that the enlarging the ſum to be tried in a ſummary way by the Courts of Juſtice, may greatly contribute to the eaſe of His Majeſty's Subjects in this Province:* Preamble.

I. *Be it enacted by the Governor, Council and Aſſembly*, That the Juſtices of the Supreme Court and Inferior Courts of Common Pleas within this Province, be, and they are hereby impowered in all cauſes of action brought before them, the ſum total whereof ſhall not exceed twenty pounds, to proceed in like manner as has been accuſtomed in cauſes not exceeding ten pounds, and ſubject to a writ of error to be brought from the Inferior Courts of Common Pleas to the Supreme Court, when the judgment ſhall exceed five pounds. The Supreme Court, and Inferior Courts, to proceed in a ſummary way, in Cauſes not exceeding 20l. ſubject to a writ of error.

II. *Provided always*, That when on the examination of the witneſſes the matters of fact may appear doubtful, or that either of the parties ſhall deſire it, the Court ſhall and may order a Jury to try the ſame. When the fact may be doubtful or parties deſire it, a jury may be ſworn to try the ſame.

III. *And be it further enacted*, That any one of the Juſtices of the Supreme Court, or Inferior Courts Any one Juſtice

of the Court may take the confeſſion of the debtor and grant execution thereon.

Courts of Common Pleas within this Province, is hereby impowered in all cauſes of action brought before him, where the debt does not exceed twenty pounds, to take the voluntary confeſſion of the debtor for the ſum demanded by the creditor as agreed between the debtor and creditor, and to proceed therein in manner as has been hitherto practiſed in debts not exceeding ten pounds, and ſubject to the like coſts as have been heretofore paid in ſuch caſes.

CAP. X.

Expired.

An ACT in amendment of, and for continuing an Act made in the Ninth year of His preſent Majeſty's reign, entitled, an Act for eſtabliſhing and regulating Ferries.

CAP. XI.

Expired.

An ACT for continuing an Act, made in the Eighth year of His preſent Majeſty's reign, entitled, an Act for granting to His Majeſty, a Duty on Wheel Carriages within the Peninſula of Halifax.

CAP. XII.

Expired.

An ACT for continuing ſeveral Acts that are near expiring.

CAP. XIII.

Expired.

An ACT in further addition to, and for continuing the ſeveral Acts for the Eſtabliſhment of Fees, as regulated by the Governor and Council, at the requeſt of the Houſe of Aſſembly.

At

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 Sixth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Francis Legge, Governor; Jonathan Belcher, Chief Juſtice, and Preſident of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT in amendment of and to explain an Act, made in the Tenth Year of His preſent Majeſty's reign, entitled, an Act for eſtabliſhing the Rate of Intereſt.

See Act, 10th Geo. 3d. cap. 5

WHEREAS *in an Act made in the tenth year of His preſent Majeſty's reign, entitled,* 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, heiffers, ſheep or ſwine, at a rate exceeding the the ſum of ſix per cent. per annum upon the value thereof. Preamble.

I. *Be it enacted by the Governor, Council and Aſſembly,* That 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, periſhed, and was loſt through the the wilful 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. After publication of this Act it ſhall be lawful for any perſon to contract for the loan or hire of cattle, &c.

And

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 from the time the offence was committed: and it shall and may be lawful 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, allowed an appeal.

CAP. II.

This Act executed.

An ACT to impower the Province Treasurer to borrow a Sum, not exceeding the Sum of Four Hundred Pounds, for paying off the Debt incurred by making Bridges, and opening the Road to Truro, in the County of Halifax.

CAP. III.

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

Preamble.

WHEREAS *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.*

In order therefore, that the same be effectually secured against any waste or trespass:

Persons restricted from cutting down, destroying, or carrying off timber from ungranted lands, unless by licence from the Governor, stating, that that the same is for His Majesty's use.

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 licence 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 trespass 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.

Persons offending to forfeit a sum not exceeding 100l.

II.

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.

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 and maliciously set fire to any places within the limits of the aforesaid reserved and 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 crime shall be adjudged felony, and such person, so convicted, shall suffer as a felon.

Persons maliciously setting fire to reserved or ungranted lands, thereby destroying the Timber, &c. to be deem felons.

IV. *Provided*, That nothing in this Act shall be construed to extend to such fire wood and under wood as is commonly used in the fishery, and shall be within half a mile of the sea shore.

Not to extend to Firewood, &c.

CAP. 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.

For Acts respecting Witnesses see 24th Geo. 3d cap. 2 & 31st, Geo. 3d cap. 3.

BE *it enacted by the Governor, Council and Assembly*, 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.

When witnesses are unable to travel, or obliged to leave the Province, one of the Judges may take their depositions which shall be sealed and directed to the Court.

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.

Oath to be made of notice being given to adverse party to attend.

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.

Witnesses able to travel, &c. required to attend.

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.

Saving benefit of exceptions to the credit of such witnesses.

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.

Quakers to make 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 swearing or affirming falsely to incur penalties as for perjury.

CAP. V.

An ACT for puniſhing Rogues, Vagabonds, and other Idle and Diſorderly Perſons.

Soldiers and ſeamen in the ſervice of His Majeſty, not having a paſs from their officer; and idle and diſorderly perſons without a paſs from a Juſtice of Peace, ſhall be deemed idle and diſorderly perſons.

BE *it enacted by the Governor, Council and Aſſembly*, That all ſoldiers belonging to His Majeſty's Troops in this Province, or ſeamen or mariners belonging to any 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, ſeamen 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 ſeamen, or other perſon, ſhall be deemed idle and diſorderly perſons, and ſhall be proceeded againſt as is herein after directed.

Perſons leaving their wives, &c. perſons unlawfully returning to places from whence they were removed, and perſons begging alms, adjudged 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.

Apprehending of Offenders.

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 to apprehend or convey to 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 ſhillings 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.

If Conſtable, or other ſuch officer refuſe to do, or neglect, their duty, or perſons charged by a Juſtice, where no officer can be found, to forfeit ten ſhillings.

Ten ſhillings to be paid for each offender, on apprehenſion.

Juſtices receiving information that deſerters, or idle perſons, are in any place within their juriſdiction ſhall iſſue a warrant for a ſearch.

IV. *And be it enacted*, 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, (although 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

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, to insert an advertisement in the public newspaper, describing such suspicious person, and any 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.

Proceedings in regard to persons apprehended.

V. *And be it also further enacted*, That if any constable, or other officer, or master of any house of correction, be negligent of 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 offender's 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.

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 go abroad, it shall be lawful for two Justices where such lunatic is found, by warrant directed to the Constables, Churchwardens 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

Lunatics to be confined by warrant of Justices.

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 Churchwardens 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 Churchwardens or Overseers.

Goods and Estate of lunatics to be seized to pay the charge of their maintenance.

But if he has no property his township to pay the charges.

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.

Proviso.

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 nonsuited, or discontinued his suit, the defendant may recover treble costs.

Persons sued for any thing done in execution of this Act may plead General Issue.

CAP. VI.

For Acts in amendment or addition to this Act see note on 8th Geo. 3d. cap 5.

An ACT in addition to, and in amendment of an Act, made in the Eighth Year of His present Majesty's Reign, entitled, an Act for establishing the Times of holding the Supreme Court.

WHEREAS many and great inconveniences 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 sittings, 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 sittings and terms, and at the said several places, shall be good, valid and effectual, to all intents and purposes whatsoever.

The Supreme Court shall be held in the several Towns and Counties, and at times, hereafter mentioned.

Jurors.

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 sittings of the said Court:* Be

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.

Two Judges to hold the ſaid Court.

III. *And be it enacted*, That the ſaid Supreme Court ſhall be held at Halifax; at Horton, in King's County; at Annapolis, in the County of Annapolis; at Cumberland, in the County of Cumberland. 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.

That part of this ſection which reſpects the time of Courts ſitting is not printed, being changed for Halifax by the 20th and 32d Geo. 3d. cap. 1, and 3. and for the other Counties by the 39th Geo. 3d. cap. 5.

Provided always, That nothing herein contained, ſhall be of force or effect, until His Majeſty's pleaſure be known thereon.

Confirmed by His Majeſty.

CAP. VII.

An ACT in further amendment of an Act, made in the Thirty-Second year of His late Majeſty's reign, entitled, an Act relating to Treaſons and Felonies.

For Acts in amendment or addition to this Act, ſee note on 32d Geo. 2d. cap. 13.

WHEREAS *in and by an Act made in the thirty ſecond year of His late Majeſty's reign, entitled*, 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.

I. *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, to puniſh ſuch offender by whipping or impriſonment, or commitment of ſuch offender to the houſe of 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 may puniſh offenders by whipping or impriſonment.

CAP. VIII.

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

For Acts in amendment or addition to this Act ſee note on 31ſt Geo. 3d. cap. 9. and 39th Geo. 3d cap. 5.

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 Certiorari are iſſued by His Majeſty's Court of King's Bench in Great-Britain, and conformable to the courſe and practice of the Common Law, and the ſeveral Statutes for that purpoſe made and provided.

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

CAP.

CAP. IX.

The times of the ſitting of this Court altered & fixed by the 31ſt and 36th Geo. 3d. cap. 11 and 3.

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.

CAP. X.

For Acts in amendment or addition to this Act ſee note on 32d Geo. 2d. cap. 20.

An ACT in amendment of an Act made in the Thirty-ſecond year of His late Majeſty's reign, entitled, an Act for puniſhing Criminal Offenders.

Preamble.

WHEREAS *by an Act made in the thirty-ſecond year of His late Majeſty's reign, entitled,* '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, 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:*

Puniſhment of perſons convicted of Perjury and counterfeiting coin, &c.

I. *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.

CAP. XI.

Expired.

An ACT in further addition to, and amendment of, and for continuing the ſeveral Acts of the General Aſſembly of this Province, therein mentioned, relating to the Duties of Impoſt and Exciſe on Wines, Beer, Rum, and other diſtilled Spirituous Liquors.

CAP. XII.

An ACT for granting to His Majeſty an Exciſe on Molaſſes and Brown Sugar, ſold within, or brought into this Province, and for the more effectually improving and extending the Trade of this Colony to the Weſt-Indies. Expired.

CAP. XIII.

An ACT, in amendment of, and in addition to the ſeveral Acts relating to the Duty on Licenſed Houſes, and for further continuing the ſame. Expired.

CAP. XIV.

An ACT to prevent for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal and Peaſe, from this Province. Expired.

CAP. XV.

An ACT in further amendment of, and in addition to an Act, made in the fifth year of His preſent Majeſty's reign, entitled, An Act for the Summary Trial of Actions. For Acts in amendment or addition to this Act ſee note on 5th Geo. 3d. cap. 11.

WHEREAS *it is thought that the extending the powers of the Juſtices of Peace in Cauſes for the recovery of ſmall debts, may greatly contribute to the eaſe and relief of many poor people in this Province*: Preamble.

I. *Be it enacted by the Governor, Council and Aſſembly*, That it ſhall be lawful for any perſons, who have debts owing to them, by any perſon where the whole dealing or cauſe of action does not exceed three pounds, to cauſe ſuch debtor to be ſummoned to appear before two Juſtices of the Peace of the county or diſtrict where either of them ſhall dwell, and the ſaid Juſtices, after ſuch ſummons, are hereby impowered to make ſuch orders and proceedings between ſuch parties, plaintiffs and their debtors, defendants, touching ſuch debts as they find to ſtand with equity and good conſcience, and ſhall allow the defendant to produce his account againſt the plaintiff, or any receipts or other diſcharges for payments made, either in the whole or in part, and the ſaid Juſtices ſhall examine and enquire into the merits of both accounts, and of ſuch diſcharges, and by ſuch other proof as to them ſhall ſeem requiſite, to aſcertain the debt ſo due, and at their diſcretion to decree the payment thereof, at ſuch different times and periods as they ſhall think fit and proper, agreeable to the circumſtances of the debtor, and with as little prejudice as poſſible to the creditor, and to award coſts as they ſhall find whether for the plaintiff or defendant without appeal, unleſs the debt or cauſe of action ſhall amount to upwards of twenty ſhillings; any law, uſage or cuſtom, to the contrary notwithſtanding. Mode of proceeding. Appeal.

II. *And be it alſo enacted*, That if any defendant after being duly ſummoned to appear, ſhall without juſt cauſe to be allowed by the Juſtices, refuſe to appear, or ſhall not perform ſuch order as the Juſtices ſhall make concerning ſuch debts as aforeſaid, it ſhall be lawful for Defendant refuſing to perform order, warrant of diſtreſs, &c. be iſſued againſt him.

for such Justices to issue a warrant of distress against the goods and chattels of such defendant, and for want of such goods or chattels whereon to levy the sum due with costs, as herein after mentioned, such Justices shall commit such defendant to goal for any time, not exceeding two months, according to the amount of the debt, or until he performs such order.

Where debt does not exceed 3l. not to be sued for in any other Court.

III. *And be it also further enacted*, That no action for any debt where the whole dealing or cause of action does not exceed three pounds shall be brought against any person in any Court of law in this province, except by appeal.

Certain Debts not liable to be sued for by this Act.

IV. *Provided*, That nothing in this Act shall extend to any debt for any rent upon any lease of lands or tenements, or any other real contract or specialty, or any contract concerning matrimony.

Manner of directing the Summons.

V. *And be it enacted*, That the summons in such causes as relate to the township of Halifax, shall be directed to the Provost Marshal or his Deputy, and in all such causes as relate to the other townships in the province, the said summons shall be directed to the Provost Marshal, or his Deputy, or the Constable of the township, where the plaintiff or defendant shall dwell, and shall be by the said Provost Marshal, his Deputy, or the Constable, read to the defendant, or in his absence a copy thereof, shall be left at his house, lodging, or last place of abode, at least three days before the trial.

Fees allowed to Justices and others.

VI. *And be it also enacted*, That for the serving the said summons the Provost Marshal, his Deputy or Constable shall have one shilling and two pence per mile travel, and for the service of the warrant of distress or of commitment to goal, one shilling with two pence per mile travel, and one shilling poundage, on levying and selling the distress, and that the whole expence to be charged by the Justices for the summons, judgment and execution, shall not exceed four shillings and ten pence, *that is to say*, two shillings and sixpence for the summons, one shilling for the judgment, and one shilling and four pence for the warrant of distress or commitment, any law, usage or custom, to the contrary notwithstanding.

Where sum sued for does not exceed 5s. no costs

VII. *And be it enacted*, That where the sum sued for does not exceed five shillings, there shall no cost be awarded against the defendant.

Penalty on persons taking greater Fees.

VIII. *And be it also enacted*, That if any person or persons whomsoever, shall ask, demand, or take, any greater or other fees for the services mentioned in this Act than are hereby established, he or they shall forfeit and pay the sum of five pounds, and be prosecuted as in cases of extortion, one moiety of the said fine to be unto His Majesty, for and towards the support of the government of this Province, and the other moiety to the informer, complainant, or him that shall sue for the same in any Court of Record in this Province.

FORM of the SUMMONS.

Form of Summons.

To

'YOU are hereby required to summon A. B. of to appear before us on
'the day of at o'clock in the to answer to C. D. in the sum
'of and make return hereof, on or before said day.
'Witness our hands and seals the

CAP. XVI.

Expired.

An ACT for farming the Duties of Impost and Excise on Beer, Rum, and other distilled Spirituous Liquors, and Wines, Sugar and Molasses, at the several Districts therein mentioned.

CAP.

CAP. XVII.

An ACT to enable JOHN MORRISON, Deputy Surveyor of Lands, to recover of the Inhabitants of the Townſhip of Clare, the Charges he has been at, in Surveying and laying out Lands to the ſaid Inhabitants. This Act executed.

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 June, Anno Domini 1775, in the Fifteenth Year of His ſaid Majeſty's Reign, being the Seventh Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Francis Legge, Governor; Charles Morris, Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT in addition to an Act, made in the Fifteenth year of His preſent Majeſty's reign, entitled, an Act to prevent Waſte and Deſtruction of Pine or other Timber Trees on certain reſerved and ungranted Lands in this Province. 15. Geo. 3d. c. 3

WHEREAS *the reſtrictions contained in an Act, made and paſſed in the fifteenth year of His preſent Majeſty's reign, entitled,* "An Act to prevent Waſte and Deſtruction of Pine and other Timber Trees, on certain reſerved and ungranted Lands in this Province." *are too general, and may tend greatly to the detriment of the Fiſhery; in order to remedy the ſame:* Preamble.

I. *Be it enacted, by the Governor, Council and Aſſembly,* That any perſon or perſons inhabiting the iſland of Cape Breton andſuch as are employed in and about the fiſhery, may cut down and uſe ſuch wood as ſhall be neceſſary for fuel and the purpoſes of the fiſhery, and ſuch perſons ſhall not be liable to the penalties of ſaid Act although it ſhould be beyond the line therein preſcribed, any thing to the contrary in ſaid Act notwithſtanding. Inhabitants of Cape Breton and ſuch as are employed in the fiſhery, may cut down and uſe ſuch wood as ſhall be neceſſary for fuel and the fiſhery.

CAP. II.

Expired.

An ACT, in amendment of an Act, made in the Eighth year of His preſent Majeſty's reign, entitled, an Act for granting to His Majeſty a Duty on Wheel Carriages within the Peninſula of Halifax.

CAP. III.

For Acts in amendment or addition to this Act ſee note on 5th Geo. 3d. cap. 11.

An ACT in further amendment of the ſeveral Laws, relative to the Summary Trial of Actions.

WHEREAS *many inconveniences do ariſe in carrying into execution the Act made laſt ſeſſion of the General Aſſembly, entitled,* "An Act in further amendment of, and in addition to an Act made in the fifth year of His preſent Majeſty's reign, entitled, An Act for the Summary Trial of Actions, particularly in the country parts of the Province, where the Magiſtrates live at a great diſtance from each other:

All cauſes where the debt ſhall not exceed 3l. to be tried before one or more Juſtices.

I. *Be it enacted by the Governor, Council and Aſſembly,* That in all cauſes where the whole dealing or cauſe of action ſhall not exceed three pounds, the ſame ſhall and may be tried before one or more Juſtices, who ſhall proceed therein, in manner as is directed by the firſt ſection of the above recited Act.

Debtor not appearing on ſummons or neglecting to perform order.

II. *And be it alſo enacted,* That if any debtor after being duly ſummoned to appear, ſhall without juſt cauſe to be allowed of by the ſaid Juſtice or Juſtices, refuſe or neglect to appear, or ſhall refuſe or neglect to perform ſuch order or decree, as ſhall be made concerning ſuch debts as aforeſaid, it ſhall and may be lawful for ſuch Juſtice or Juſtices to iſſue execution againſt the goods and chattels of ſuch debtor, and for want of goods and chattels ſufficient to ſatisfy ſuch execution with coſts, ſuch Juſtice or Juſtices, ſhall, and may commit ſuch debtor to goal until ſuch debt is diſcharged, or he be releaſed by the creditor, any law, uſage, or cuſtom to the contrary notwithſtanding.

Execution againſt goods and chattels &c. for want thereof to be committed.

And whereas many inconveniences ariſe by the reſtriction contained in the ſeventh ſection of the ſaid afore-recited Act:

In all cauſes brought before one or more Juſtices, coſts to be awarded.

III. *Be it enacted,* That in all ſuch cauſes brought as aforeſaid, before the ſaid Juſtice or Juſtices, coſts ſhall be awarded, as is directed by the ſixth ſection of the afore-recited Act, any law, uſage or cuſtom to the contrary notwithſtanding.

CAP. IV.

This Act revived by 33d. Geo. 3d.

An ACT to empower the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to prohibit the exportation of Gun-powder, Arms and Ammunition, or Salt Petre, or carrying the ſame Coaſtways.

Preamble.

WHEREAS *it is thought neceſſary, during the preſent diſturbances in America, and may hereafter be deemed expedient, to prevent the exportation of gunpowder, arms and ammunition or ſalt petre or carrying the ſame coaſtways, except for His Majeſty's uſe and ſervice:*

I. *Be it therefore enacted, by the Governor, Council and Aſſembly*, That it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice and conſent of His Majeſty's Council, to iſſue a proclamation, for prohibiting for ſuch time as ſhall be therein expreſſed, the exportation out of the Province or coaſtways, any gunpowder, arms and ammunition, or ſalt petre, except for His Majeſty's uſe and ſervice, or with licence firſt obtained by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, or other perſon appointed by government for that purpoſe.

The Governor, to iſſue proclamation for prohibiting for a time the exportation of gunpowder, &c. except for His Majeſty's uſe or with licenſe from the Governor.

II. *And be it enacted*, That if any gun-powder, arms and ammunition or ſalt petre, ſhall be ſhipped or laden on board any veſſel for exportation, or be carried coaſtways, contrary to ſuch proclamation ſo iſſued for prohibiting the exportation thereof, the ſame ſhall be forfeited, and the maſter of ſuch veſſel or any other perſon or perſons concerned in ſhipping or lading any gunpowder, arms and ammunition, or ſalt petre, ſhall forfeit and pay the ſum of fifty pounds, to be recovered in any of His Majeſty's Courts of Record in this Province, and applied, one half to His Majeſty's uſe, and the other half to the informer.

Gunpowder, &c. ſhipped contrary to ſuch Proclamation to be forfeited and the Maſter of the Veſſel to pay 50l.

Provided, That nothing in this Act ſhall extend, or be conſtrued to extend to any ſmall quantity of gunpowder or ſmall arms, for the ſhip or veſſel's uſe.

Not to extend to gunpowder, &c. for veſſel's uſe

III. *And be it enacted*, That this Act ſhall continue for one year, from and after the publication thereof, and until the end of the Seſſion of the General Aſſembly then next following.

Act continued for one year.

CAP. V.

An ACT for the relief of JONATHAN BINNEY, Eſq. late Collector of the Duties of Impoſt and Exciſe at the Diſtrict of Canſo.

This Act not approved of by His Majeſty.

CAP. VI.

An ACT for the better ſecuring the payment of certain Debts due to the Government of this Province.

This Act not approved of by His Majeſty.

CAP. VII.

An ACT in addition to, and amendment of, the ſeveral Acts made by the General Aſſembly of this Province, for appointing Commiſſioners of Sewers.

This Act not approved of by His Majeſty.

CAP. VIII.

An ACT for altering the Times appointed for holding the Supreme Court in certain Counties therein mentioned.

This Act not approved of by His Majeſty.

CAP.

CAP. IX.

This Act executed.

An ACT to enable certain perſons, therein named, to ſtate an account of the work done in the Townſhip of Truro, for repair of Dykes and Roads, ſince the year One thouſand ſeven hundred and ſixty one, and to oblige the perſons concerned in the ſame to pay their proportion of the ſaid expence.

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 Twentieth Day of October, Anno Domini 1775, in the Fifteenth Year of His ſaid Majeſty's Reign; being the Eighth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Francis Legge, Governor; Jonathan Belcher, Chief Juſtice and Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

This Act repealed by 35th Geo. 3d.

An ACT in addition to the ſeveral Acts of this Province, made for regulating the Militia, and more particularly an Act made in the Second year of His preſent Majeſty's reign, entitled, an Act for better regulating the Militia, on actual ſervice, in time of War.

CAP.

CAP. II.

An Act in addition to an Act, made in the Firſt year of His preſent Majeſty's reign, entitled, an Act to prevent the ſpreading of Contagious Diſtempers.

For Acts in amendment or addition to this Act, ſee note on 1ſt. Geo. 3d. cap. 6.

BE *it enacted by the Governor, Council and Aſſembly*, That for the better preventing the ſpreading of infection, when it ſhall happen that any perſon or perſons coming from abroad, or belonging to any town or place within this Province, viſited, or that late before have been viſited with the plague, ſmall pox, peſtilential or malignant fever, or other contagious ſickneſs, the infection whereof may probably be communicated to others, two or more of the Juſtices of the Peace, together with the Overſeers of the Poor of ſuch town, are hereby impowered, upon full and ſufficient evidence and proof being made to ſuch Juſtices and Overſeers of the Poor, and after taking the teſtimony of one or more phyſician, ſurgeon or apothecary, living and reſiding in, or near, ſuch townſhip or place, to take care and make effectual proviſion in the beſt manner they can, for the preſervation of the inhabitants, and if ſuch ſick or infected perſon or perſons ſhall not remove himſelf or themſelves, or be removed by his or their parents or maſters, to ſuch place as the Juſtices and Overſeers of the Poor ſhall think fit and proper, provided the ſame be within ſuch townſhip or place, it ſhall and may be lawful for the ſaid Juſtices and Overſeers of the Poor to remove and place ſuch ſick or infected perſon or perſons to, and in a ſeparate houſe or houſes as aforeſaid, and by providing nurſes, attendance, and other aſſiſtance, and neceſſaries for them, at the charge of the parties themſelves, their parents or maſters, if able, or otherwiſe at the charge of the town or place whereto they belong. And in caſe it ſhall happen that any perſon or perſons ſhall be viſited with any ſuch ſmall pox, malignant infection or ſickneſs, in any other town or place than that whereto they belong, and thereby occaſion a charge to ſuch town, the Overſeers of the Poor ſhall lay the account thereof before the Juſtices in the Court of General or Special Seſſions of the Peace, held for the County or Diſtrict, where ſuch town lies, whereto ſuch perſon or perſons belong, and the Juſtices having adjuſted the account of ſuch charge, and allowed ſo much thereof as they judge reaſonable, ſhall order payment thereof to be made by the Overſeers of the Poor, when the perſons themſelves, their parents, or maſters, are unable to pay the ſame, and when it ſhall happen that ſuch indigent perſons, are not inhabitants, or belonging to any town or place within this Province, and the proper charge thereof, in caſe they need relief, being adjuſted as aforeſaid, then the charge of their ſickneſs ſhall be defrayed out of the public Treaſury of the province, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief, on the certificate of the ſaid Juſtices.

When any perſons come from any place infected with plague, ſmall pox, &c. on ſufficient evidence and teſtimony of phyſicians, &c.

Two or more Juſtices with Overſeers of the Poor to take care and make effectual proviſion for the preſervation of the inhabitants

Sick or infected perſons to remove themſelves or be removed by Juſtices and Overſeers of the Poor.

Charge occaſioned by perſons belonging to another town who ſhall be ſick with ſmall pox, &c. and who are unable to pay the ſame, to be paid by Overſeers of the Poor of town where they belong.

and when ſuch perſons do not belong to any ſuch town, ſuch charge to be paid by the Treaſurer of the Province.

II. *Provided*, That any perſon or perſons deſirous of being inoculated (for the ſmall pox) themſelves, or of having their families inoculated, may proceed therein, provided, that the houſe or place wherein they dwell or reſide, during the time of their being infected with the ſmall pox, ſhall be at leaſt one hundred and ſixty rods diſtance from any other houſe or dwelling, and that they take care to prevent and reſtrain all perſons infected, from going from thence, further then eighty rods from ſuch houſe, and alſo that ſuch their deſign of inoculating be made known in the townſhip where they dwell, and a flag hung out at their ſaid houſe, to the end that all perſons may take notice thereof, and avoid, if they ſee cauſe, going near ſuch houſes or places.

Rules to be obſerved by perſons who ſhall inoculate themſelves or families.

III. *Provided alſo*, That nothing in this Act contained, ſhall be conſtrued to extend to the town of Halifax.

Not to extend to Halifax.

CAP. III.

Repealed by 36th Geo. 3d.

An ACT in addition to, and amendment of, an Act made in the Eleventh year of His present Majesty's reign, entitled, an Act for altering and amending an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act relating to the assize of Bread, and for ascertaining the Standard of Weights and Measures.

CAP. IV.

For Acts in amendment or addition to this Act see note on 8th. Geo. 3d. cap. 7.

An Act in amendment to the several Laws of this Province concerning Bail.

Preamble.

WHEREAS *many and great inconveniences arise for the want of authority being granted by Law, for holding to bail such persons who may be indebted for sums under ten pounds, and exceeding three pounds:*

In all causes where the sum in demand shall exceed 3l. the Provost Marshal or deputy may arrest, imprison, or hold to bail any debtor, upon plaintiff, his attorney, or agent making affidavit, before a Judge or the Clerk or deputy Clerk of Court.

Sum sworn to, to be indorsed on the writ.

I. *Be it enacted by the Governor, Council and Assembly*, That in all causes where the sum in demand shall exceed three pounds, the Provost Marshal or his deputy, may arrest, imprison, or hold to bail, any debtor or debtors, upon the plaintiff, his attorney or agent, making and subscribing an affidavit in writing, or on the back of the writ to be issued, for recovery of the debt, to be sued for, before a Judge, or the Clerk, or his Deputy, of the Court from whence the writ shall issue, that the defendant is justly indebted to the plaintiff in any sum exceeding three pounds, which affidavit, so to be subscribed as aforesaid, shall be filed in the clerk's office from whence such writ may issue as aforesaid, and the sum specified in such affidavit, so made and subscribed as aforesaid, or to be made on the writ as aforesaid, shall be endorsed on the writ to be issued as aforesaid, in the for mfollowing, by oath for (in words at length) for which sum, so endorsed, the Provost Marshal, Sheriff, Coroner, or their Deputies, shall take bail, and for no more; any law, usage or custom, to the contrary notwithstanding.

If plaintiff is sick and unable to attend on the Judge or the Clerk or Commissioner for taking bail, such plaintiff may make affidavit before a Justice of the Peace

II. *Provided always, and be it enacted*, That whensoever it may happen that any plaintiff or plaintiffs are sick, and unable to attend upon the Judge or Clerk of any Court, or upon a Commissioner for taking bail, to make oath to his or their debt for holding a defendant to bail, such plaintiff may make oath before any one of His Majesty's Justices of the Peace, and every oath so to be taken, and bail, which may be ordered by any one of His Majesty's Justices of the Peace as aforesaid, shall be as good and effectual as if made before any Judge, Commissioner or Clerk, as aforesaid.

CAP. V.

This Act not now in force, see 29th. Geo 3d. cap. 5.

An ACT for establishing the Times of holding an Inferior Court of Common Pleas, in the Township of Yarmouth, in Queen's County.

CAP.

CAP. VI.

An ACT for the ready admiſſion of ſuch of His Majeſty's Subjects in the Colonies on the Continent, who may be induced to take refuge in this Province, from the Anarchy and Confuſion there, and for ſecuring the Peace, and preſerving the Loyalty and Obedience of the Inhabitants of this Province.

This Act expired with the occaſion that gave riſe to it.

CAP. VII.

An ACT for raiſing a Tax on the Inhabitants of this Province, for defraying the expence of maintaining and ſupporting the Militia of the ſaid Province, and for the defence of the ſame.

Expired.

CAP. VIII.

An ACT for further regulating the Market at Halifax.

Expired.

CAP. IX.

An ACT to continue an Act, made in the Fifteenth year of His preſent Majeſty's reign, entitled, an Act to prevent, for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal and Peaſe, from this Province.

Expired.

CAP. X.

An ACT in addition to, and amendment of, an Act made in the Third Year of his preſent Majeſty's Reign, entitled, an Act to prevent Nuiſances by Hedges, Wares and other Incumbrances obſtructing the Paſſage of Fiſh in the Rivers in this Province.

For Acts in amendment or addition to this Act ſee note on 3d. and 4th Geo. 3d. cap. 2.

WHEREAS *in and by an Act made in the third year of his preſent Majeſty's reign, entitled,* an Act to prevent nuiſances by hedges, wears, and other incumbrances, obſtructing the paſſage of fiſh in the rivers in this province, *It is enacted,* 'That if any perſon or perſons ſhall preſume to erect or ſet up any hedge, wear, fiſh garth, or other incumbrance, or place any ſeine or ſeines acroſs any river in this province, contrary to the rules and regulations made by the Juſtices in their General Quarter Seſſions annually, ſuch perſon or perſons ſhall upon due conviction thereof, forfeit and pay the ſum of ten pounds,' *which penalty in many caſes is found too high, and the method of recovering the ſame inconvenient, for remedy whereof:*

Preamble.

I. *Be it enacted, by the Governor, Council and Aſſembly,* That it ſhall and may be lawful for the Juſtices in their General or Special Seſſions of the Peace, annually to make rules and orders for

The Juſtices in their General or Special Seſſions

to make regulations for the river fiſhery, and affix a penalty for breach thereof, not exceeding 10l.

for the regulation of the river fiſhery in their reſpective counties and diſtricts, as they from time to time ſhall find neceſſary for the preſervation thereof, and to affix a penalty for the breach of the ſame, not exceeding ten pounds, to be recovered when the ſum does not exceed twenty ſhillings, before one Juſtice, and when the ſum exceeds twenty ſhillings and not exceeding three pounds, before two Juſtices, any law, uſage or cuſtom to the contrary notwithſtanding.

How recovered.

The Juſtices to appoint two or more fit perſons to be Overſeers of the river fiſhery.

II. *And be it alſo enacted*, That the ſaid Juſtices in their Seſſions as aforeſaid, ſhall and may appoint two or more fit perſons to be overſeers of the river fiſhery, who ſhall be ſworn to the faithful diſcharge of their duty, and ſhall have power to remove any net, hedge, wear, fiſh garth, ſeine or other incumbrance, that ſhall be found in any river, contrary to the regulations made by the ſaid Juſtices.

If any net, hedge, &c. is found, in any river contrary to the regulations, the ſame with the fiſh to be forfeit.

III. *And be it alſo further enacted*, That if any net, hedge, wear, fiſh garth, ſeine, or other incumbrance ſhall be found in any river, contrary to the regulations ſo made by the ſaid Juſtices, and no owner appearing to claim the ſame in ten days after public notice ſhall have been given thereof, the ſaid net, or ſeine, ſhall, together with the fiſh found therein, be forfeited and ſold, to ſatisfy the penalties aforeſaid, the overplus if any to be paid, to the overſeers of the poor for the uſe of the poor of the townſhip where the offence ſhall be committed.

Nothing in this Act to extend to thoſe rivers where fiſh do not reſort in ſeaſons for ſpawning.

IV. *Provided*, That nothing in this Act ſhall be conſtrued to extend to ſuch rivers, to which fiſh do not reſort in the ſeaſons for ſpawning.

Additions and amendments by this Act to be in force two years.

V. *And be it enacted*, That the ſeveral additions and amendments made to the afore recited Act, by this Act, ſhall continue, and be in force for the term of two years, and until the end of the Seſſion of General Aſſembly then next following.

CAP. XI.

Expired.

An ACT for continuing ſeveral Acts that are near expiring.

CAP. XII.

Expired.

An ACT for altering the times of ſitting and holding the Supreme Court in King's County and the Counties of Annapolis and Cumberland, in the ſpring of the year 1776.

At

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 Fifteenth Day of June, Anno Domini 1776, in the Sixteenth Year of His ſaid Majeſty's Reign, being the Ninth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Mariot Arbuthenot, Lieutenant Governor; Charles Morris, Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT in addition to the ſeveral Acts, made by the General Aſſembly of this Province, to enable the ſeveral Townſhips within the ſame, to maintain their Poor.

For Acts in amendment or addition to this Act, ſee note on 3d and 4th Geo. 3d. cap. 7.

Preamble.

WHEREAS *the inhabitants of the townſhip of Halifax have neglected to meet at the times by law directed, to vote money for the ſupport of the poor of ſaid townſhip, which has made it neceſſary for the Juſtices at the General Seſſions of the Peace, to amerce the ſaid townſhip, in ſuch ſums as to them appeared requiſite for the purpoſe. And whereas doubts have ariſen as to the number of Aſſeſſors to be appointed by the Juſtices for aſſeſſing the ſaid ſums ſo amerced, or which it may be expedient hereafter to amerce, on any townſhip neglecting to meet and make proviſion for their poor as aforeſaid:*

In all caſes where Juſtices ſhall amerce the townſhip, Aſſeſſors to be appointed by them. Aſſeſſment to be affixed in ſome public place.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That in all caſes where the inhabitants of the townſhip of Halifax, or of any other townſhip in the Province, ſhall neglect to meet and vote ſuch ſums as may be neceſſary to be raiſed for the ſupport of their poor. The Juſtices at their Special Seſſions of the Peace, ſhall and may amerce ſuch townſhip in ſuch ſum or ſums of money, as they ſhall think requiſite for that purpoſe. And they ſhall alſo at ſuch Seſſions appoint five freeholders (three or more of which to be a quorum) to aſſeſs the ſums ſo amerced on the inhabitants; which aſſeſſment, ſo made, ſhall be affixed in ſome public place of ſuch townſhip, at leaſt three days before the end of the ſame Seſſions, that any of the inhabitants ſo aſſeſſed, may, if they ſee cauſe, appeal therefrom, and that the Juſtices may determine thereon the ſame Seſſions.

Reſpecting appeals.

If Aſſeſſors neglect to make aſſeſſment within ten days after appointment, or if Collectors' neg-

II. *And be it alſo enacted*, That in caſe the aſſeſſors appointed by the Juſtices as aforeſaid, ſhall neglect or refuſe to meet and make the ſaid aſſeſſment within ten days after their appointment, or in caſe the collector or collectors, appointed to collect the ſame, neglect their duty therein; he or they ſhall be ſubject to a fine of five pounds for the uſe of the poor of ſuch townſhip,

lect their duty to pay a fine of 5l. To be levied by warrant from two Juſtices.

which ſhall, on failure of payment, be levied on complaint of the Overſeers of the Poor, before two of His Majeſty's Juſtices of the Peace, by warrant of diſtreſs and ſale of the offender's goods and chattels, and others ſhall by the ſaid Juſtices be appointed in their ſtead.

CAP. II.

Executed.

An ACT in addition to an Act made in the Thirteenth Year of His preſent Majeſty's Reign, entitled, an Act to impower 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.

CAP. III.

An ACT for taking, examining, and ſtating, the Public Accounts of this Province.

All accounts of monies ariſing from any duty, &c. And the accounts of the iſſuing of all money which ſhall come into the Treaſury to be laid before the General Aſſembly for examination &c. and ſuch approbation and allowance to be a diſcharge and bar againſt any action.

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That all accounts of the receipt of any monies, ariſing from any duty or taxes granted and raiſed, and that hereafter ſhall be granted and raiſed by the General Aſſembly, for and towards the ſupport of Government or otherwiſe, and the accounts of the iſſuing and diſpoſal of all ſuch monies as have or ſhall come into the treaſury by any ways or means whatſoever, ſhall be laid before the General Aſſembly at the ſeveral Seſſions held from time to time, for their examination, approbation and allowance, in ſuch manner as to the General Aſſembly ſhall be judged proper; and all ſuch approbations and allowances of the General Aſſembly heretofore, or that hereafter ſhall be paſſed, ſhall be to the ſeveral Collectors or Receivers of the Duties, Treaſurers, and other perſons concerned, a full and final diſcharge, and be a bar againſt any action, which may be brought for any ſum or ſums of money againſt any of the perſons aforeſaid.

Proviſo.

II. *Provided*, That all monies ariſing by the operations of any Revenue Act or Acts of this Province, 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.

Demands againſt government to be brought and laid before a Committee of the Council and Houſe of Aſſembly, in the firſt week in their Seſſion.

III. *And whereas great inconveniences have ariſen by perſons having demands, or pretend to have demand on this Government, and who do not bring in their accounts for a long time after the ſame became due, or was ſaid to become due, and that through length of time, or the death or abſence of perſons, the poſſibility of detecting frauds is prevented, by means of which the Province has been and may be greatly injured; for remedy whereof:*

Be it enacted, That all perſons having claims or demands againſt this Government, either for work done, goods ſupplied, or ſervices of any kind, which may have become due, or owing to them before the firſt day of June inſtant, or who may hereafter have any demands as aforeſaid, ſhall bring in the ſame before the next Seſſion of the General Aſſembly or within the firſt week of the ſaid Seſſion, to be examined and audited by a Committee of Council, and of the Houſe of Aſſembly, and in like manner all accounts of ſuch demands, ſhall from time to time be brought in, either before, or within the firſt week of each Seſſion of the General Aſſembly thereafter.

IV.

IV. *And be it alſo enacted*, That no ſuch accounts ſhall be admitted, or paid by the Treaſurer of the Province, where the ſame ſhall not have been brought in, within the times limited by this Act. No accounts to be paid not exhibited within limited time.

CAP. IV.

An ACT for altering the Times appointed for holding the Supreme Court. Not now in force.

CAP. V.

An ACT to repeal an Act of the General Aſſembly, entitled, an Act in addition to the ſeveral Acts of this Province, made for regulating the Militia, and more particularly an Act made in the Second year of His preſent Majeſty's reign, entitled, an Act for the better regulating the Militia, on actual ſervice, in time of War. Expired.

CAP. VI.

An ACT in further addition to, and for continuing an Act made in the Fifteenth year of His preſent Majeſty's reign, entitled, an Act in further addition to, and amendment of, and for continuing the ſeveral Acts of the General Aſſembly of this Province, therein mentioned, relating to the Duties of Impoſt and Exciſe on Wines, Beer, Rum, and other diſtilled Spirituous Liquors. Expired.

CAP. VII.

An ACT, for continuing an Act, made in the Fifteenth year of His preſent Majeſty's reign, entitled, an Act for granting to His Majeſty an Exciſe on Molaſſes, and Brown Sugar, ſold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the Weſt-Indies. Expired.

CAP. VIII.

An ACT for farming the Duties of Impoſt and Exciſe on Beer, Rum, and other Diſtilled Spirituous Liquors, and Wines, Brown Sugar and Molaſſes, at the ſeveral Diſtricts therein mentioned. Expired.

CAP.

CAP. IX.

Expired.

An ACT in further amendment of an Act, made in the Sixth year of His preſent Majeſty's reign, entitled, an Act for preſcribing the Forms of Writs, and the manner of iſſuing the ſame.

CAP. X.

This Act paſſed with a ſuſpending clauſe, and His Majeſty's pleaſure has never been ſignified.

An ACT for granting to His Majeſty a Duty of Poundage of Eight per Cent. *ad valorem*, upon all Commodities imported into this Province, not being the produce of the Britiſh Dominions in Europe and America, Bay Salt, excepted, to be diſpoſed of by Parliament.

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 June, Anno Domini 1777, in the Seventeenth Year of His ſaid Majeſty's Reign; being the Tenth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Mariot Arbuthenot, Lieutenant-Governor; Charles Morris, Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council; and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

For Acts in amendment or addition to this Act, ſee note on 5th Geo. 3d. cap. 1.

An ACT in further addition to an Act made in the Fifth year of His preſent Majeſty's reign, entitled, an Act for the Choice of Town Officers and regulating Townſhips.

The Grand Jury to nominate ſix perſons, out of

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That the Grand Juries for the ſeveral Counties in this Province, at the Court of General Seſſions of the Peace for

for each County reſpectively, at the firſt Seſſions of the Peace held after the publication of this Act, and thereafter at the firſt Seſſion of the ſaid Court in each year, ſhall nominate ſix fit perſons, out of which the Court ſhall appoint three to be Aſſeſſors of all ſuch rates and taxes, as are now payable, or which may hereafter be payable, by any Act or Acts of the General Aſſembly of this Province, and four perſons, out of which the Court ſhall appoint two, to be collectors of all taxes or rates in each townſhip, and four perſons, out of which the Court ſhall appoint two, to be Surveyors and Weighers of Hay in each townſhip, who ſhall be ſworn to the faithful diſcharge of their duty, in manner as is preſcribed by the Laws of this Province, and the like proceedings ſhall be had relative to ſuch Aſſeſſors, Collectors, and Surveyors, and Weighers of Hay, ſo nominated and appointed, as are directed to be obſerved concerning the ſeveral Town Officers to be choſen and appointed in purſuance of the Act made in the fifth year of His preſent Majeſty's reign, entitled An Act for the choice of Town Officers, and regulating Townſhips, any law, uſage or cuſtom, to the contrary notwithſtanding.

whom the Court to appoint three, to be Aſſeſſors of all rates and taxes and four perſons, of which Court to appoint two, Collectors of taxes, and

four perſons, of which the Court ſhall appoint two, to be Surveyors and Weighers of Hay.

The like proceedings to be had relative to ſuch officers as directed by 5th Geo. cap. 1.

II. *And be it alſo enacted*, That the Surveyors and Weighers of Hay ſhall be paid for their trouble in viewing and weighing of Hay, at the rate of one penny per hundred weight, and four pence per mile, travel, if ſuch travel ſhall exceed one mile, to be paid by the ſeller.

Allowance to Surveyors & Weighers of Hay.

CAP. II.

An ACT for the making perpetual an Act made in the Eleventh year of His preſent Majeſty's reign, entitled, an Act to avoid the Double Payment of Debts.

11 Geo. 3 cap 4

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That an Act made in the eleventh year of His preſent Majeſty's reign, entitled, An Act to avoid the Double Payment of Debts, ſhall be, and the ſame is hereby made perpetual, any proviſo or limitation in the ſaid Act notwithſtanding.

Made perpetual.

CAP. III.

An ACT, in amendment of an Act made in the ſecond year of His preſent Majeſty's reign, entitled, an Act for the better regulating the Militia on actual ſervice in time of War.

Repealed by 33th Geo. 3d.

CAP. IV.

An ACT in amendment of the ſeveral Acts for regulating Juries.

Repealed by 36th Geo. 3d.

CAP. V.

An ACT in further addition to an Act, made in the Third year of His preſent Majeſty's reign, entitled, an Act to enable the ſeveral Townſhips within this Province to maintain their Poor.

For Acts in amendment or addition to this Act ſee note on 3d. and 4th Geo. 3d cap. 7.

WHEREAS *in the third ſection of an Act made by the General Aſſembly of this Province in the tenth year of His Majeſty's reign, entitled, An Act in further amendment of, and addition to an*

Preamble.

an Act made in the third year of His preſent Majeſty's reign, entitled, An Act to enable the ſeveral townſhips within this Province to maintain their Poor, it is enacted, 'That the Overſeers of the Poor ſhall for the future account on oath if required, before the General Seſſions of the Peace held next after the expiration of their office, for all monies raiſed, and diſburſed by them for the ſupport of the poor.'

Such Overſeers of the Poor as do not account with the Seſſions within one month after the expiration of their office to forfeit 5l. each.

But no penalty is affixed to be paid by ſuch Overſeers as do not account as aforeſaid:

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly,* That all ſuch Overſeers of the Poor, as have not already accounted before the General or Special Seſſions of the Peace, and do not, within three months from the publication of this Act, account as aforeſaid, and all ſuch Overſeers as do not for the future, within one month after the expiration of their office, render an account to the Clerk of the Peace of the County in which they reſide, to be by him laid before the Juſtices at their next Seſſions, of all monies raiſed and diſburſed by them for the ſupport of the Poor, ſhall, on complaint of the Clerk of the Peace, or of one or more inhabitants, forfeit and pay the ſum of five pounds each, to be levied, on non-payment thereof, by warrant under the hands and ſeals of two of His Majeſty's Juſtices of the Peace, for the uſe of the Poor of the Townſhip for which ſuch Overſeers of the Poor were appointed.

CAP. VI.

For Acts reſpecting treſpaſſes, ſee note on 32d. Geo. 2d. cap. 14.

An ACT in addition to an Act, entitled, an Act to prevent Treſpaſſes.

WHEREAS *the preſervation of the trees and underbruſh growing on the lands lying on the road leading to Fort Sackville, between the ſaid road and Bedford Baſon, has been found uſeful and neceſſary for the preſervation of the ſaid road:*

Any perſon who ſhall cut down any trees or underbruſh on that ſide of the road leading from Halifax to Fort Sackville, next the Baſon, ſhall, on conviction, pay 40s.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That if any perſon or perſons ſhall cut down or otherwiſe deſtroy any trees or underbruſh growing within thirty feet of the road of the land, that lies between the ſaid road leading from Halifax to Fort Sackville, on that ſide next Bedford Baſon, ſhall on proof thereof, by the oath of one credible witneſs, before one of His Majeſty's Juſtices of the Peace for the County of Halifax, be convicted, ſhall forfeit and pay the ſum of forty ſhillings, to be levied by warrant of diſtreſs on the offender's goods and chattels, which fine ſo levied, ſhall be applied, one half to the informer, and the other half to and for uſe of ſaid road.

CAP. VII.

Expired.

An ACT for regulating the Price of certain Proviſions in the Townſhip of Halifax.

CAP. VIII.

Expired.

An ACT for reſtraining the exorbitant Price of Labour.

CAP.

CAP. IX.

An ACT for more effectually preventing the Deſertion of Seamen and Soldiers from His Majeſty's Navy and Army in this Province. Expired.

CAP. X.

An ACT for continuing the ſeveral Acts relating to the Duty on Wheel Carriages, within the Peninſula of Halifax. Expired.

CAP. XI.

An ACT for continuing an Act, made in the Fifteenth year of His preſent Majeſty's reign, entitled, an Act to impower the Governor, Lieutenant-Governor, or Commander in Chief for the Time being, to prohibit the Exportation of Gunpowder, Arms, and Ammunition, or Salt-petre, or carrying the ſame Coaſtways. Expired.

CAP. XII.

An ACT for continuing the ſeveral Acts for raiſing a Fund for the purpoſe of making and repairing Bridges and Roads of Communication through the Province. Expired.

CAP. XIII.

An ACT for the more effectually ſecuring Priſoners, committed for Crimes againſt His Majeſty and Government, and for the Trial of ſuch Offenders. Expired.

At

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 June, Anno Domini 1778, in the Eighteenth Year of His ſaid Majeſty's Reign, being the Eleventh Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Mariot Arbuthenot, Lieutenant-Governor; Bryan Finucane, Preſident of Council; William Neſbit, Speaker; Richard Bulkeley, Secretary of Council, and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

Preamble.

An Act for the more ſpeedy ſettling the Value of ſuch Lands, as are, or ſhall be wanting to erect Fortifications or other military uſes.

WHEREAS *it may be neceſſary to erect fortifications for the defence of this Province, and it may happen to be in ſuch places where the lands are owned and poſſeſſed by ſome of His Majeſty's Subjects, either in their own right, or as minors, or otherwiſe: In order therefore, that ſuch perſons may have an adequate ſatisfaction, and the lands be properly veſted in the Crown:*

Lands wanted on which to erect fortifications, &c.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That when the Commander in Chief of His Majeſty's Troops here ſhall judge it neceſſary that certain lands ſhould be made uſe of to erect fortifications, or other military uſes, and when the Commander in Chief aforeſaid, or in caſe of his neglect the proprietor of the lands ſhall make application to the Governor, Lieutenant-Governor, or Commander in Chief, of this Province, for the time being, who is hereby deſired and authoriſed to appoint a Special Court for that purpoſe, that is to ſay, if the lands lie in the County of Halifax, to be held by the Supreme Court of this Province, and if in any other County by the Inferior Court of Common Pleas for the County were ſuch land ſhall lie.

application to be made to the Governor, who is authoriſed to appoint a Special Court.

Mode of inquiry.

Court to iſſue precept for a Jury, and appoint time & place of meeting.—Jury to be ſworn.

II. *And be it further enacted,* That ſuch Courts, upon due appointment, ſhall iſſue out their precept in the common form, directed to the Provoſt Marſhal or his Deputy, to ſummon a Jury of twenty-four good and lawful men, freeholders, from the town or precinct neareſt to which the lands ſhall lie, to meet at ſuch time and place as the Judges ſhall direct by their precept aforeſaid, who ſhall then and there duly be ſworn to eſtimate and appraiſe the ſame.

III. *And be it enacted,* That the Jury thus ſworn, ſhall view the premiſes ſo demanded, and in their verdict ſhall preſcribe the meets and bounds, as alſo the quantity, to whom the lands belong, and what is the real value thereof, in diſtinct parcels, according to the number of pro-

prietors

prietors, and ſhall return their verdict in writing, under their hands and ſeals, to which at leaſt twelve ſhall ſign their names, and ſuch verdict being entered by order of the Judges with the Clerk of the Court, thence forward ſhall become a record of ſaid Court. Jury to ſettle the value of lands.

IV. *And be it further enacted*, That the ſaid monies ſo aſcertained by the ſaid verdict, being paid to the proprietors named in ſaid verdict, reſpectively, or on their refuſal to accept the ſame ſuch monies ſhall be lodged in ſaid Court for their uſe, or if minors or others diſabled by law to receive the ſame, it ſhall be paid to their guardians or legal repreſentatives, to be by them diſpoſed of agreeable to the laws of this Province, and the ſaid lands ſhall thereupon be veſted in His Majeſty, His Heirs and Succeſſors for ever: and ſuch record ſhall be a ſufficient bar in law againſt any action brought by any of the proprietors of ſuch lands, their heirs or aſſigns, for treſpaſs, or for recovery of the ſame. Diſpoſal of monies ariſing therefrom. Lands veſted in His Majeſty.

V. *And be it alſo further enacted*, That all lands heretofore taken upon, up for ſuch uſe, whoſe value has not yet been aſcertained may be proceeded on agreeable to this Act. Lands heretofore taken.

VI. *And be it enacted*, That if the Provoſt Marſhal or His Deputy ſhall refuſe or neglect to ſummon a Jury as aforeſaid, he or they ſhall forfeit and pay the ſum of twenty pounds for every ſuch neglect, or in caſe any of the Jury being duly ſummoned, ſhall not attend, or ſhall refuſe to be ſworn, he or they ſhall forfeit and pay the ſum of five pounds each, for ſuch neglect or refuſal, and the Judges of the ſaid Courts reſpectively, may order the ſame to be levied by warrant of diſtreſs and ſale of the offender's goods. Penalty for not ſummoning Jry. Penalty for Jurors not attending.

CAP. II.

An ACT to impower the Governor, Lieutenant-Governor, or Commander in Chief, to appoint Sheriffs in ſuch Counties where it may be found neceſſary.

This Act repealed by the 35th Geo. 3d. cap. 1.

CAP. III.

An ACT for the more ſpeedy recovery of His Majeſty's Debts within this Province.

WHEREAS *the manner of recovering His Majeſty's Debts hitherto uſed and practiſed, has been attended with great inconvenience, and oftentimes with the total loſs of ſuch Debts, through the length of the proceſs and otherwiſe:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That from and after the publication of this Act, the Collectors of the public money, in any caſe where they are obliged to give credit according to the laws of the Province, ſhall take ſuch recognizances in the name of Our Sovereign Lord the King, to be paid to our ſaid Sovereign Lord the King, His Heirs and Succeſſors, and to his and their uſe only: and the ſaid obligors ſhall at the ſame time give a full and ſufficient power of attorney either indorſed on the ſaid recognizance, or annexed thereto, impowering ſome one of the Attornies of the Court to confeſs, that ſuch debt mentioned in the condition of the recognizance is juſtly due, and if the obligor or obligors ſhall pay and diſcharge the money due at, or before the time ſpecified in the ſaid recognizance, that then it ſhall be lawful, and ſuch Collector is hereby required, to diſcharge ſuch recognizance, and the ſame ſhall become void. Recognizances to be taken for payment of Duties. Obligors to execute a warrant of attorney, to enter indorſements for ſuch debt.

II. *And be it further enacted*, That if ſuch recognizances ſhall not be paid and ſatisfied at the time ſpecified and mentioned therein, that then the Collectors or others who are impowered to When Duties ſhall not be paid

the Collectors to tranſmit recognizances to the Treaſurer.

to take ſuch recognizances ſhall forthwith tranſmit them to the Treaſurer of the Province, by the firſt ſafe conveyance.

Proſecution for the ſame.

III. *And be it alſo further enacted*, That the Treaſurer, upon receipt thereof, ſhall cauſe the ſame to be proſecuted in His Majeſty's Supreme Court at Halifax, and the recognizance being duly filed, and the confeſſion of the debt being acknowledged, no imparlance ſhall be granted, but judgment ſhall be made up thereupon, and execution ſhall iſſue to levy the debt upon the goods, chattels, and eſtate of the debtor; and for the more ſpeedy recovering the ſame, the ſaid action may be entered at any time during the term in which ſuch Court is held, or in any time during the vacancy of ſaid terms, before the Chief Juſtice, or in his abſence before either of the other Judges of the ſaid Court, who ſhall thereupon order judgment to be made up as of the laſt term, and execution to iſſue thereon.

Execution to be levied within 60 days.

IV. *And be it further enacted*, In order to prevent any delay of juſtice, That the Provoſt Marſhal or his deputy, upon his receiving the writ of execution, ſhall within ſixty days from the date thereof, cauſe the ſame to be duly levied, or otherwiſe ſhall make a legal return thereof into Court, with his doings thereon, upon pain of anſwering for any failure or neglect agreeable to the laws in ſuch caſes made and provided.

CAP. IV.

An ACT for the making perpetual an Act, made in the Sixteenth year of His preſent Majeſty's reign, entitled, an Act in addition to, and amendment of, an Act made in the Third year of His ſaid Majeſty's reign, entitled, an Act to prevent Nuiſances by Hedges, Wears, and other Incumbrances, obſtructing the paſſage of Fiſh in the rivers in this Province.

Temporary Acts 16th Geo. 3d. cap. 10, made perpetual.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That an Act made in the ſixteenth year of His preſent Majeſty's reign, entitled, An Act in addition to, and amendment of, an Act made in the third year of His preſent Majeſty's reign, entitled, An Act to prevent Nuiſances, by Hedges, Wears, and other Incumbrances, obſtructing the paſſage of Fiſh in the Rivers in this Province, ſhall be, and the ſame is hereby made perpetual, any proviſo or limitation in the ſaid Act notwithſtanding.

CAP. V.

For Acts in amendment or addition to this Act ſee 8th Geo. 3d and 40th Geo. 3d.

An ACT to prevent the Foreſtalling, Regrating and Monopolizing, of Cord Wood, in the Town of Halifax.

Penalty for monopolizing cord wood.

BE *it enacted by the Lieutenant Governor, Council and Aſſembly*, That from and after the publication of this Act, whatſoever perſon or perſons ſhall buy, or cauſe to be bought, any cord wood coming by land or water to the town of Halifax, to be ſold again, except at the diſtance of ten miles from Halifax, or ſhall make any bargain, contract, or promiſe, or ſhall make any offer in any way or manner whatſoever, to any perſon or perſons for the having or buying the ſame, or any part thereof, for the enhancing the price, or dearer ſelling any kind of cord wood coming by land or water, to Halifax aforeſaid, ſhall forfeit and pay for every cord of wood ſo bought or received ten ſhillings per cord, over and above the price ſo given, or paid, upon conviction before two of His Majeſty's Juſtices of the Peace, and be levied (in caſe of refuſal of payment) by warrant of diſtreſs and ſale of the offender's goods and chattels, and be applied towards the ſupport of the poor of the ſaid townſhip.

II.

II. *Provided nevertheleſs*, That when the price of cord wood ſhall be at the rate of fifteen ſhillings per cord or under, any perſon or perſons ſhall and may be at liberty to purchaſe cord wood to ſell again, without incurring the penalties of this Act. Proviſo, when at 15s. or under.

III. *And Provided alſo*, That nothing in this Act contained ſhall extend to prevent the Barrack Maſter or perſons employed by him from purchaſing cord wood for the uſe of His Majeſty's troops. Not to prevent the purchaſe of wood for the troops.

CAP. VI.

For Acts in amendment or addition to this Act ſee note on 4th Geo. 3d. cap. 7.

An ACT to amend, render more effectual, and reduce into one Act, the ſeveral Acts made by the General Aſſembly of this Province, concerning Bail.

BE *it enacted, by the Lieutenant Governor, Council and Aſſembly*, That in all cauſes where the ſum in demand ſhall exceed three pounds, the Provoſt Marſhal, or Sheriff, or his Deputy, may arreſt, impriſon or hold to bail, any debtor or debtors, or attach the goods, chattels or eſtate of ſuch debtor or debtors, upon the plantiff in ſuch actions, his attorney or agent, making and ſubſcribing an affidavit in writing before a Judge of the Court from whence ſuch writ ſhall iſſue, or in the abſence of ſuch Judges, before any one of His Majeſty's Juſtices of the Peace, that the defendant is juſtly indebted to the plaintiff in any ſum exceeding three pounds, 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 (in words at length) for which ſum ſo indorſed, the Provoſt Marſhal, Sheriff, Coroner, or their deputies, ſhall take bail or make attachment as aforeſaid, and for no more; any law, uſage or cuſtom, to the contrary notwithſtanding. Cauſes where demand exceeds 3l. attachment to be made of goods, &c. or debtor arreſted. Upon plaintiff making affidavit to the ſum indorſed on the writ.

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 this principal duly authenticated, according to the laws of England or the uſage and practice of the plantations in ſuch caſes, 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, or an attachment be made accordingly. If plaintiff be abſent, his attorney may file his affidavit.

III. *And be it alſo further enacted*, That when any perſon or perſons ſhall be arreſted by virtue of any writ or original proceſs, the Provoſt Marſhal, Sheriff, 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, or Sheriff, 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 or Sheriff, 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 Upon bail being given the defendant to go at large. Defendant not appearing to give bail to abide the final event of the ſuit, judgment to be entered againſt him by default, and bail bond aſſigned. On Defendants appearing or giving ſpecial bail, bail bond diſcharged.

ment 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 entitled to all the privileges 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.

CAP. VII.

Expired. An ACT in further addition to, and amendment of, and for continuing the ſeveral Acts of the General Aſſembly of this Province, therein mentioned, relating to the Duties of Impoſt and Exciſe on Wines, Beer, Rum, and other diſtilled Spirituous Liquors.

CAP. VIII.

Expired. An ACT for continuing ſeveral Acts that are near expiring.

CAP. IX.

Expired. An ACT in further amendment of, and addition to, the ſeveral Laws relating to the Duty on Licenſed Houſes.

CAP. X.

Expired. An ACT for farming the Duties of Impoſt and Exciſe on Beer, Rum, and other diſtilled Spirituous Liquors, and Wines, Brown Sugar, and Molaſſes, at the ſeveral Diſtricts therein mentioned.

CAP. XI.

Expired. An ACT in amendment of, and for continuing an Act, made in the Fifteenth year of His preſent Majeſty's reign, entitled, an Act for granting to His Majeſty an Exciſe on Molaſſes, and Brown Sugar, ſold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the Weſt-Indies.

CAP.

CAP. XII.

An ACT for reducing the Terms of holding the Supreme Court of Judicature, and the Inferior Court of Common Pleas in the County of Halifax.

This Act altered by the 36th Geo. 3d. cap. 3.

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 Seventh Day of June, Anno Domini 1779, in the Nineteenth Year of His ſaid Majeſty's Reign, being the Twelfth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Sir Richard Hughes, Bart. Lieutenant-Governor; Bryan Finucane, Chief Juſtice, and Preſident of Council; William Nelbit, Speaker; Richard Bulkeley, Secretary of Council, and Iſaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT to impower the Province Treaſurer to borrow a ſum not exceeding Five Thouſand Pounds, for the purpoſe of purchaſing, fitting and ſupporting, armed Veſſels for the protection of the Coaſt of this Province.

This Act executed.

CAP. II.

An ACT to prevent the ſpreading of Diſtempers among Horſes and Cattle in this Province.

For Acts reſpecting contagious diſeaſes, ſee note on 1ſt. Geo. 3d. cap. 6.

WHEREAS *great damage and inconvenience may ariſe by the going at large of horſes, mares, or geldings, and cattle, which are infected with diſeaſes liable to be communicated to other horſe-kind or cattle:*

Preamble.

Juſtices in Seſſions ſhall make regulations for the preventing the going at large of infected horſes and cattle.

any perſon tranſgreſſing ſuch regulation to forfeit 10l.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That the Juſtices of the Peace in each County or Townſhip, impowered to hold Seſſions of the Peace, ſhall have power, and they are hereby directed, to make regulations for the preventing the going at large of infected horſes, mares, geldings, and cattle, and the ſpreading of diſtempers among them, in manner as ſhall be moſt agreeable to the circumſtances of ſuch County, or the Townſhips therein, and any perſon who ſhall tranſgreſs ſuch regulations ſo made, ſhall be ſubject to a fine not exceeding ten pounds, to be recovered on complaint or information before any two of His Majeſty's Juſtices of the Peace for the County, wherein the offence ſhall be committed, or before the Juſtices in the Seſſions held for ſuch County or Townſhip, and be levied, on non-payment thereof, by warrant of diſtreſs and ſale of the offender's goods and chattels, and applied for the Townſhip wherein the offence ſhall be committed.

CAP. III.

For Acts reſpecting Hides ſee note on 1ſt Geo. 3d. cap. 12.

An ACT to regulate abuſes in the ſale of Hides and Skins.

Preamble.

WHEREAS *notwithſtanding the penalties to be inflicted by the laws of this Province, on Butchers, or other perſons, who ſhall gaſh, cut, ſplit or flaw, the hides of cattle, calf or ſheep, in flaying thereof, or otherwiſe, great abuſes are daily committed to the great injury of the public:*

Searchers and Sealers of Leather to view hides of cattle, calves, or ſheep, and if gaſhed, &c. an allowance to be made in the price.

Perſons ſelling hides, before viewed, forfeit 2l.

Recovery and application.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That the perſons appointed Searchers and Sealers of Leather, ſhall view every hide or ſkin of any cattle, calves or ſheep, either in the ſlaughter-houſe or at the tanners, before the ſame ſhall be delivered on ſale, and if he ſhall find the ſame to be gaſhed, cut, ſplit or flawed, there ſhall be an allowance made in the price thereof to the buyer, as ſhall appear to the ſaid Searchers and Sealers of Leather to be juſt and equitable; and any butcher, or other perſon, who ſhall not call on the ſaid Searchers and Sealers of Leather to view ſuch hides or ſkins before ſuch ſale, ſhall forfeit and pay a fine of twenty ſhillings, for every ſuch hide or ſkin not expoſed to view as aforeſaid, to be recovered before any one of His Majeſty's Juſtices of the Peace, and be levied by warrant of diſtreſs and ſale of the offender's goods and chattels; one half thereof to be paid to the informer, or perſon ſuing for the ſame, and the other half to the poor of the place where the offence ſhall be committed.

Searchers and Sealers to be paid for their trouble.

II. *And be it alſo enacted*, That the ſaid Searchers and Sealers of Leather ſhall be paid for their trouble in viewing the ſaid hides and ſkins, that is to ſay, for every ox, bull, ſteer or cow, hide, three pence, and for every calf or ſheep ſkin one penny, and three pence per mile travel, to be paid by the ſeller.

CAP. IV.

This Act not now in force.

An ACT for altering the Times appointed for holding the Supreme Court, in King's County, and the County of Annapolis, in the Spring Circuit.

CAP.

CAP. V.

An ACT for providing Pounds in the ſeveral Townſhips in this Province.

Act in addition to this Act ſee 40th Geo. 3d. cap. 7.

WHEREAS *the manner of raiſing money for the erecting Pounds in the ſeveral Townſhips in this Province, by the Act, made in the Fifth year of His preſent Majeſty's reign, entitled,* An Act for the raiſing Money by Preſentment on the ſeveral Counties in this Province, for the defraying certain County Charges therein mentioned, *is found inconvenient:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly,* That the account of expences for erecting a pound, or pounds, in any townſhip, ſhall, before payment, be approved by two Juſtices of the Peace, reſiding in the townſhip where ſuch pound, or pounds, ſhall be erected, or by two Juſtices of the Peace in the County wherein ſuch Townſhip ſhall lie, and the coſt thereof ſhall be levied on the inhabitants of ſuch Townſhip by aſſeſſment, in manner as is provided for levying the monies voted for ſupport of the poor, and recovered accordingly. Expence of erecting Pounds.

CAP. VI.

An ACT for the eſtabliſhing a public Market for the Sale of live Stock within the Town of Halifax.

This Act not now in force, the premiſes having been ſold purſuant to an Act for that purpoſe.

CAP. VII.

An ACT to impower the Juſtices of the Peace in their Seſſions to make Regulations for preventing the clandeſtine conveying away Sheep and Lambs from the Townſhips in this Province.

For other matters reſpecting ſheep, ſee 34th Geo. 3d. cap. 2.

WHEREAS *Butchers, Drovers, and others, who buy ſheep and lambs in the country, do frequently in a clandeſtine manner, drive away other ſheep and lambs, the property of the inhabitants, from the commons and places where they run at large, by which means it is not in the power of the owners to detect them, for remedy whereof:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly,* That the Juſtices of the Peace in each county or townſhip impowered to hold Seſſions of the Peace, ſhall be impowered in their Seſſions as aforeſaid, and they are hereby directed, to made regulations for the preventing the clandeſtine driving or carrying away ſheep and lambs from the ſeveral townſhips in ſuch counties, in manner as ſhall be moſt agreeable to the circumſtances of ſuch county or townſhips therein, and any perſon who ſhall tranſgreſs ſuch regulations ſo made by the Juſtices, ſhall forfeit and pay a fine not exceeding five pounds, to be recovered on complaint or information before any two of His Majeſty's Juſtices of the Peace for the county wherein the offence ſhall be committed, or before the Seſſions in ſuch County or Townſhip, and be levied by warrant of diſtreſs on the offender's goods and chattels, and applied to the uſe of the poor of the townſhip where the offence ſhall be committed. Clandeſtine driving away ſheep and lambs from the ſeveral townſhips how prevented. Tranſgreſſors forfeit 5l. for uſe of the poor.

CAP. VIII.

For Acts in amendment or addition to this Act, see note on 31st Geo. 3d. cap. 14.

An ACT to explain, amend, and render more effectual, the ſeveral Laws of this Province, for repairing and mending Highways, Roads, Bridges and Streets.

Preamble.

WHEREAS *by the third ſection of an Act made in the fifth year of His preſent Majeſty's reign, entitled, An Act in addition to an Act made in the firſt year of His Majeſty's reign, entitled, An Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the ſeveral townſhips in this Province, it is enacted,* 'That in caſe damage ſhall be done to any perſon in his land or property, by the laying out particular and private ways, recompence ſhall be made by the town, as the Surveyors of the highways, and the parties intereſted, may agree, or as ſhall be ordered by the Juſtices in Seſſions, upon enquiry into the ſame by a Jury to be ſummoned for that purpoſe. *And whereas in caſes where the Surveyors of highways and parties have not agreed relating to the damages ſuffered, miſtakes have happened in ſummoning the ſaid Jury out of the town where ſuch ways are laid out:*

Damages by laying out highways, how aſcertained.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That in all caſes, where, either private or public highways ſhall be laid out and any diſpute ſhall ariſe between the parties concerned, and the Surveyors of the highways, for the town where the ſame ſhall be laid out, or propoſed to be laid out, relating to the damage ſuffered, or likely to be ſuffered by ſuch parties, the ſame ſhall be determined by a Jury to be ordered by the Juſtices out of the next towns, who ſhall be ſworn impartially to determine the ſame.

And whereas the Surveyors of the highways do often take upon themſelves, to alter roads, and the determination of the place or part of the town where the repairs of the ſtreets or highways ſhall be made, to the great injury of ſuch town in general;

Surveyors not to alter roads or ſtreets without conſent of at leaſt three Juſtices.

II. *Be it enacted*, That the Surveyors of highways ſhall not alter any roads or ſtreets already laid out, nor make any repairs to the ſtreets or highways in any town or townſhip, but by the advice and conſent of at leaſt three Juſtices of the Peace.

CAP IX.

This Act repealed.

An ACT in further addition to, and amendment of an Act made in the Eleventh year of His preſent Majeſty's reign, entitled, an Act, for altering, and amending an Act, made in the Thirty-ſecond year of His late Majeſty's Reign, entitled, an Act relating to the aſſize of Bread, and for aſcertaining the ſtandard of Weights and Meaſures.

CAP. X.

For Acts in amendment or addition to this Act ſee note on 32d Geo. 3d. cap. 3.

An ACT in amendment of an Act, made in the Thirty-ſecond year of His late Majeſty's reign, entitled, an Act directing the Proceedings againſt Forcible Entry and Detainer.

WHEREAS *many inconveniences and difficulties do frequently ariſe to landlords for want of a ſpeedy remedy to get poſſeſſion of their houſes, lands and tenements, after the expiration of the terms of tenants, who obſtinately hold over;*

I.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That upon complaint on oath made before any two Juſtices of the Peace, of any wrongful or unlawful holding over of any tenant, after the expiration of his term of any houſes, lands, or tenements, or other poſſeſſions where ſuch Juſtices reſide, after poſſeſſion demanded, and warning having been given to ſuch tenant in manner as is hereafter mentioned, to remove, it ſhall and may be lawful for ſuch Juſtices, by warrant, to cauſe ſuch tenant or tenants, or other perſon in poſſeſſion, to be arreſted, and detained in cuſtody, until he, ſhe, or they find ſufficient ſecurity for perſonal appearance at the next Supreme Court, there to anſwer ſuch complaint. Mode of proceeding againſt an illegal detainer.

II. *And be it alſo enacted*, That the ſaid Supreme Court ſhall have power and authority to enquire by credible proof into the cauſe of ſaid complaint, and if it ſhall be found by a Jury, then and there ſworn to try the ſame, that a wrongful and illegal detainer and withholding of ſuch houſes, lands and tenements, has been made after demand and notice as aforeſaid, then the ſaid Supreme Court, by writ of *habere facias poſſeſſionem*, ſhall cauſe the ſaid houſes, lands and tenements, to be re-ſeized, and the party complaining to be again put into poſſeſſion within ten days afterſuch trial had, and more over the party grieved, ſhall, and by action of treſpaſs on the caſe, recover treble rent, and coſts of ſuit, againſt the defendant or defendants, any law, uſage or cuſtom, to the contrary notwithſtanding. The Supreme Court to enquire into the cauſe of detention; and, if illegal, to repoſſeſs the owner of his property, and party grieved may recover treble rent and coſts.

III. *And be it alſo further enacted*, That when any houſe or tenement ſhall be let by the year, three months warning ſhall be given, and when by the month, one month's warning, and when by the week, one week's warning ſhall be given to the tenant in poſſeſſion. Warning to the Tenant.

CAP. XI.

An ACT for laying a Tax upon Lands, Tenements and Hereditaments, in the Province, for a certain limited time.

Expired.

CAP. XII.

An ACT for laying an additional Duty on the Tonnage of Veſſels coming into the Harbour of Halifax.

Expired.

CAP. XIII.

An ACT for regulating Carriers, and Owners of Waggons, Carts, and Trucks, employed for hire, on the Roads between Halifax, and the Townſhips of Windſor, Truro, Onſlow and Londonderry.

Expired

CAP. XIV.

Expired. An ACT to obviate doubts which have ariſen in regard to the payment of the Duties of Impoſt and Exciſe on Rum, and other Spirituous Liquors.

CAP. XV.

Expired. An ACT for laying a Duty on Goods and Merchandize, Lands and Tenements, ſold at Public Auction.

CAP XVI.

Expired. An ACT for laying an additional Duty of Exciſe on Wines, Rum, and other diſtilled Spirituous Liquors.

CAP. XVII.

Expired. An ACT for the more effectual ſecuring all the Goods, Chattels, Lands and Tenements, belonging to ſuch Perſons who have deſerted this Province, to join His Majeſty's Rebellious Subjects in the other Colonies.

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 Ninth Day of October, Anno Domini 1780, and in the Twentieth Year of His said Majesty's Reign, being the Thirteenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Sir Richard Hughes, Bart. Lieutenant Governor; Bryan Finucane, Chief Justice, and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

This Act, with the Act of the 36th Geo. 3d. cap. 3, are the Acts by which the sitting of the Supreme and Inferior Courts are now held, and the times of holding the Quarter Sessions which are held on the same days, that the Inferior Court sits, are regulated by 32nd. Geo. and. cap. 27.

An ACT for reducing the Terms of holding the Supreme Court of Judicature, and the Inferior Court of Common Pleas at Halifax.

WHEREAS *the holding of the Supreme Court of Judicature and the Inferior Court of Common Pleas at Halifax, four times a year, is found to be very inconvenient to the inhabitants, by the attendances required for grand and petit Jurors:*

Times of holding the Supreme and Inferior Courts.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That for the future the Supreme Court shall be held at Halifax, three times in each year, that is to say, on the first Tuesday of the month of April, the second Tuesday of the month of July, and the second Tuesday of the month of October.

[Part of the first, with the second and third sections of this Act, are not printed, they being unnecessary, as Act 36th Geo. 3d. establishes the four Terms of both Courts.]

CAP. II.

An ACT, for the more speedy and effectual collecting such Town Rates and Taxes as may be assessed on the Inhabitants of the Township of Halifax.

Preamble.

WHEREAS *the method hitherto practised in collecting taxes and rates for the support of the poor, and other town rates and taxes at Halifax, has been found insufficient for that purpose:*

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the publication

Juſtices in General or Special Seſſions to appoint annually a Collector of rates and taxes for the townſhip of Halifax.

lication of this Act, it ſhall and may be lawful for the Juſtices in their General or Special Seſſions of the Peace, annually, to appoint a fit perſon to collect all town taxes or rates, which ſhall be aſſeſſed on the inhabitants of the townſhip of Halifax, which perſon ſhall give ſufficient ſecurity for the faithful diſcharge of his office.

Said Collector to account every month.

II. *And be it alſo enacted*, That the Collector appointed as aforeſaid, ſhall once in every month account with and pay into the hands of ſuch perſon or perſons appointed to receive the ſame for the time being, all ſuch ſums of money he may have received, and in caſe of his neglect or refuſal to account and pay the ſame as aforeſaid, ſuch Collector ſhall and may be proſecuted, by bill, plaint or information, in any of His Majeſty's Courts of Record.

Allowance for collecting.

III. *And be it enacted*, That the Collector appointed as aforeſaid ſhall be allowed ten pounds per cent. for collecting and paying in the rates and taxes as aforeſaid.

CAP. III.

An ACT for the eſtabliſhing a public School in the Town of Halifax.

Preamble.

WHEREAS *every public attention to the education of youth is of the utmoſt importance in ſociety, and whereas it is impracticable to procure a perſon ſufficiently qualified for that purpoſe, without making a handſome and liberal proviſion for his eaſy ſupport and maintenance:*

Allowance for erecting a building in Halifax for a School.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That a ſum not exceeding fifteen hundred pounds, be granted for the purpoſe of erecting a proper and convenient building in the town of Halifax, for keeping a public School, which ſum ſhall be raiſed in manner hereafter to be directed by the General Aſſembly.

Sum allowed to the maſter, and for aſſiſtance.

II. *And be it alſo enacted*, That a ſum not exceeding one hundred pounds be annually granted in the eſtimate for the expences of government for the ſupport of a School-maſter, and when the number of ſcholars ſhall exceed forty, that a further allowance of fifty pounds, yearly be included in the ſaid eſtimate for the aſſiſtance of the ſaid maſter in the ſupport of an uſher, which the ſaid maſter ſhall in that caſe provide.

Appointment of Truſtees, and their duty.

III. *And be it further enacted*, That there ſhall be annually appointed by the Governor, Lieutenant-Governor, or Commander in Chief of the Province, five reputable perſons as truſtees and directors of the ſaid ſchool, one of which to be preſident, who are hereby impowered to make bye-laws and regulations for the ſaid ſchool, and who ſhall be incorporated for that purpoſe, to be enabled to ſue and be ſued, to hold grants of lands, and to receive donations for the endowment thereof.

Said Truſtees to be accountable to the Legiſlature.

IV. *And be it alſo further enacted*, That the ſaid truſtees and directors ſhall be from time to time accountable to the Legiſlature of the Province for their conduct, and management of the property ſo to be veſted in them.

Examination.

V. *And be it enacted*, That the ſaid preſident and directors ſhall hold a public viſitation and examination at ſaid ſchool twice every year, to wit, on the firſt Monday of May, and the firſt Monday of October annually.

CAP. IV.

Expired.

An ACT in amendment of, and for continuing an Act made in the Nineteenth year of His preſent Majeſty's reign, entitled, an Act for regulating Carriers, and Owners of Waggons, Carts and Trucks, employed for hire, on the Roads between Halifax and the Townſhips of Windſor, Truro, Onſlow and Londonderry.

CAP.

CAP. V.

An ACT in further amendment of, and for continuing the ſeve- Expired.
Laws relating to the Duty on Licenſed Houſes.

CAP. VI.

An ACT for continuing the ſeveral Acts of the General Aſſembly of this Province, therein mentioned, relating to the Duties of Im- Expired.
poſt and Exciſe on Wines, Beer, Rum, and other diſtilled Spirituous Liquors.

CAP. VII.

An ACT for continuing the ſeveral Acts of the General Aſſembly of this Province, therein mentioned, relating to the Exciſe on Expired,
Molaſſes, and Brown Sugar, ſold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the Weſt-Indies.

CAP. VIII.

An ACT for continuing the ſeveral Laws relating to the Duty on Expired
Wheel Carriages within the Peninſula of Halifax.

CAP. IX.

An ACT for laying an additional Duty of Exciſe, on Wines, Rum, Expired,
and other diſtilled Spirituous Liquors.

CAP. X.

An ACT in amendment of an Act made in the Nineteenth year of Expired.
His preſent Majeſty's reign, entitled, an Act for the more effectual ſecuring all the Goods, Chattels, Lands and Tenements, belonging to ſuch Perſons who have deſerted this Province, to join His Majeſty's Rebellious Subjects in the other Colonies.

CAP. XI.

An ACT for limiting the duration of the General Aſſemblies in this Not approved of by His Majeſty.
Province.

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 Eleventh Day of June, Anno Domini 1781, in the Twenty-first Year of His said Majesty's Reign, being the Fourteenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Sir Richard Hughes, Bart. Lieutenant-Governor; Bryan Finucane, Chief Justice, and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council, and Isaac Deschamps, Clerk of Assembly.

CAP. I.

This Act repealed by 35th Geo. 3d.

An ACT, in addition to an Act made in the Second year of His present Majesty's reign, entitled, an Act for the better regulating the Militia on actual service in Time of War.

CAP. II.

An ACT to establish authenticated Copies of the Records of Council as legal Evidence.

Preamble.

WHEREAS *many titles to land depend on votes of His Majesty's Council, and many other proceedings in Council, become oftentimes necessary evidence in suits at law; and whereas doubts may arise relative to the admissability of such evidence, and the producing the original records in Court is attended with great inconvenience; in order therefore to remedy the same:*

The transcript or copy of any vote or proceedings of His Majesty's Council relating to titles to lands, to be admitted as evidence.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That hereafter the transcript or copy of any vote or proceedings of His Majesty's Council, relating to titles of lands, attested as a true copy, and signed by the Clerk of the Council, shall be admitted and received as legal evidence in any cause depending in any of His Majesty's Courts within this Province; and the Clerk of the Council is hereby required and directed, upon the application of any of the parties at variance, or their Attorney, to give an exact copy of all such proceedings, attested and signed by him, and that there shall be paid for the same, for every search, one

The Clerk of the Council to give copies of such proceedings.

shilling

shilling, for every authentic copy, signed by him, six shillings and eight pence, if under one hundred words, and for every hundred words more, at the rate of one shilling for every one hundred words. Fee for the same

CAP. III.

An ACT in further addition to an Act, made in the Thirty-fourth year of His late Majesty's Reign, entitled, an Act for appointing Commissioners of Sewers.

For Acts in amendment or addition to this Act see 34th Geo. 2d cap. 7.

WHEREAS *many persons are great sufferers by the cutting of sods or soil, for the making of dykes, and others are also sufferers by the washing away of considerable pieces of marsh-land, which were allotted to them as part of their share, in tracts of marsh land, divided between them and other proprietors, in the townships in this Province, owing to the dykes made to secure the whole concerned in said marsh land, and that it is reasonable some compensation should be made for such loss so sustained:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That when it shall appear that the sods or soil shall have been cut off the land of any proprietor, in any tract of marsh land dyked in common with other proprietors, for the purpose of dyking in the same, or, that the land of such proprietor shall have been washed away by the tide or current of the river, and that by the making of new dykes, to secure the said piece or tract of marsh land so held in common, such proprietor shall have lost a part or the whole of his lot, it shall and may be lawful for the Commissioners of Sewers of the township, to cause a just valuation to be made of the loss, such proprietor shall have sustained as aforesaid, which valuation shall be made by at least five freeholders, not interested in the piece or tract of marsh, where such loss shall have been sustained, who shall be sworn truly and impartially to value the same; and if it shall happen that there is in such tract or piece of marsh-land, a sufficient quantity thereof, lying in common and undivided, to make good the loss so sustained, the Commissioners of Sewers shall decree possession thereof, or of so much thereof as is sufficient to make good the same to such proprietor; or, on failure of such undivided land, by an assessment for the value thereof, to be paid in a just proportion among the other interested in such piece or tract of marsh land. Where Sods or Soil shall be cut off the land of any proprietor, for making dykes in common such person shall be compensated. Mode of redress.

CAP. IV.

An ACT to explain so much of an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for preventing Trespasses, as relates to the regulating Fences.

For Acts in amendment or addition to this Act see note on 32nd Geo. 2d. cap. 14.

WHEREAS *doubts have arisen in regard to the intent and meaning of that part of the second section of the Act made in the thirty-second year of His late Majesty's reign, entitled*, An Act for preventing Trespasses, *which relates to the fences to be made by the owners and proprietors of fields lying and being adjoining to other inclosed fields:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That all partition fences, between lands under improvement, shall be made and maintained from time to time, in equal proportion, by the owners or proprietors of such lands respectively. But when it shall happen that it shall be wood, barren or burnt land, and not under any improvement, no proprietor shall be obliged to make any part of the fence to said wood, barren or burnt land; any law, usage or custom to, the contrary notwithstanding. Expence of erecting partition fences between lands under improvement; and Lands unimproved.

CAP.

CAP. V.

See note on 10th Geo. 3d. cap. 8.

An ACT in addition to an Act, made in the Tenth Year of His preſent Majeſty's Reign, entitled, an Act for eſtabliſhing the Toll to be taken at the ſeveral Griſt-Mills in this Province.

Preamble.

WHEREAS *in the Act made in the Tenth year of His preſent Majeſty's Reign, entitled,* An Act for eſtabliſhing the Toll to be taken at the ſeveral Griſt-Mills in this Province: *the toll to be taken for bolting meal is not aſcertained:*

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly,* That every miller who keeps a bolting-mill, ſhall be obliged to bolt the meal of all wheat, rye, or buck-wheat, ground at his mill, when required, and that the toll to be taken for the ſame, ſhall not exceed one pint per buſhel; and any miller refuſing to comply herewith, ſhall be ſubject to the penalty ſpecified in the afore-recited Act, and the ſame ſhall be paid, levied and applied, as directed in ſaid Act,

Toll for bolting meal, &c. one pint per buſhel.

CAP. VI.

This Act altered by 26th Geo. 3d. cap. 2, and 39th Geo. 3d. cap. 5.

An ACT for eſtabliſhing the Times of holding the Supreme Court, Inferior Court of Common Pleas, and General Seſſions of the Peace, in the County of Hants.

CAP. VII.

Expired.

An ACT in addition to, and for continuing the ſeveral Acts of the General Aſſembly of this Province relating to the Duties of Impoſt and Exciſe on Wines, Beer, Rum, and other Diſtilled Spirituous Liquors.

CAP. VIII.

Expired.

An ACT for continuing the ſeveral Acts of the General Aſſembly of this Province, relating to the Exciſe on Molaſſes and Brown Sugar, ſold within, or brought into, this Province; and for the more effectual improving and extending the Trade of this Colony to the Weſt-Indies.

CAP. IX.

Expired.

An ACT for continuing the ſeveral Laws relating to the Duty on Licenſed Houſes.

CAP. X.

Expired.

An ACT for continuing the ſeveral Laws relating to the Duty on Wheel Carriages within the Peninſula of Halifax.

CAP.

CAP. XI.

An ACT in addition to, and amendment of, and to reduce into one Act, the ſeveral Acts of the General Aſſembly, for regulating Carriers, and Owners of Waggons, Carts and Trucks, travelling through this Province. Expired.

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 Eleventh Day of June, Anno Domini 1782, in the Twenty-ſecond Year of His ſaid Majeſty's Reign; being the Fifteenth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of Sir Andrew Hammond, Lieutenant-Governor; Michael Franklin, Preſident of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deſchamps, Clerk of Aſſembly.

CAP. I.

An ACT to reſtrain Hawkers, Pedlars, and Petty Chapmen, not duly licenſed to Trade, travelling to and fro through the Country.

WHEREAS *many inconveniences ariſe by hawkers, pedlars, and petty chapmen, paſſing to and fro through the country to vend goods and merchandize, that it is a detriment to trade, and an encouragement to many idle perſons, to avoid being employed in uſeful trades or huſbandry; for remedy whereof:* Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That from and after the publication of this Act, no hawker, pedlar, or petty chapman, or other trading perſon or perſons going from town to town, or other mens' houſes, and travelling either on foot or with horſe, horſes or otherwiſe, carrying to ſell or expoſing to ſale in any houſe, or in any town or village, whereof ſuch perſon or perſons is not an inhabitant, except in any public fair or market, any wares, goods or merchandize, without previouſly giving bond, and taking out a licence, if at Halifax from the Clerk of the licences, and if in any other county or diſtrict in the Province, from the Clerk of the Peace, by conſent of at leaſt three Juſtices of the Peace for ſuch Hawkers and Pedlars to be licenſed, and pay a duty.

county or district, in the same manner as bonds are taken, and licences for retailing liquors are granted, for which licence there shall be paid half yearly as follows: for every licence to a hawker, pedlar, or petty chapman, travelling on foot without horse or other beast of burthen, three pounds, for every licence to such hawker, pedlar, or petty chapman, travelling with one horse, or other beast of burthen, six pounds; and for every horse, or other beast of burthen, exceeding one, two pounds; and the number of horses or other beasts of burthen, when any, to be expressly specified in the licence.

Penalty for selling without licence. Fairs and Markets excepted.

II. *And be it also enacted*, That no person or persons shall expose to sale in any house, or in any town or village, whereof such person or persons is not an inhabitant, except in any public fair or market, any wares, goods or merchandize, without having obtained a licence as aforesaid, on pain of forfeiting all such goods, wares or merchandize, by him or them exposed to sale.

Appropriation of the money arising from the duty and penalties.

III. *And be it enacted*, That the whole of the monies arising from the duty or rate to be paid by every hawker, pedlar, and petty chapman, as aforesaid, together with two thirds of the fines and forfeitures incurred by offenders against this Act, shall be appropriated for the making, opening and repairing, the public road and bridges, through the Province, under the direction of the Governor, Lieutenant-Governor, or Commander in Chief of the Province, and the other third of the fines and forfeitures aforesaid, to him or them who shall inform against, and prosecute such offender or offenders for the same, and be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in the Province.

Justices &c. to put this Act in execution.

IV. And all His Majesty's Justices, Sheriffs, Under-sheriffs, and Constables are hereby strictly enjoined and required, to exert their utmost power to see that this law be duly put in execution.

Exceptions.

V. *Provided always*, That nothing in this Act shall extend, or be construed to extend, to prohibit any person selling fish, fruits or victuals, nor to hinder any makers of goods or their children, apprentices or servants, from carrying or selling the goods of their own making; nor any tinkers, coopers, glaziers, plumbers, harness menders, or other persons, usually trading in mending kettles, tubs, household goods, or harness, from going about and carrying materials for mending the same.

CAP. II.

This Act executed.

An ACT to enable the Creditors of Government, to receive Interest on such Warrants as shall be drawn on the Treasury, and payable in pursuance of Votes and Resolutions of the General Assembly, which by a scarcity of Money the Treasurer shall not be able to discharge.

CAP. III.

For Acts in amendment or addition to this Act see 3rd Geo. 2d Cap. 17.

An ACT, in amendment of and addition to an Act made in the First year of His present Majesty's reign, entitled, an Act for the Registering Marriages, Births and Deaths.

Preamble.

WHEREAS *there are no proprietors clerks in several of the townships of this Province, and that it is thought most proper that the records of marriages, births and deaths, should be kept by the Town Clerk:*

I.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the duty to be done by the proprietors' clerk of each township, as directed by an Act made in the first year of His present Majesty's reign, entitled, An Act for the registering Marriages, Births and Deaths, shall for the future be done and performed by the Town Clerk of each township respectively; and the parties failing to comply with the directions of the said Act, shall be liable to the forfeiture and penalty therein set forth, and such party shall pay for recording each marriage, birth, or death, one shilling, instead of the fee directed to be paid by the said Act.

Town Clerk to make registry of marriage, births and deaths.

Fee for the same.

And in order to prevent as much as possible the inconveniences and detriment which may arise from the neglect hitherto of recording marriages, births and deaths and more fully to answer the purpose intended by the said Act:

II. *Be it enacted*, That the said Town Clerk of each township respectively, shall apply to the several Ministers of such township for a list of all such marriages, births or deaths, recorded by them, before the making this Act, and from time to time hereafter, and to enter the same in a book kept for that purpose.

Town Clerk to apply to the Minister of the township for information relative thereto.

CAP. IV.

An ACT in addition to an Act, made in the Second year of His present Majesty's Reign, entitled, an Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire.

For Acts in amendment or addition to this Act see note on 2d Geo. 3d. cap 5.

WHEREAS *in the Act made in the second year of His present Majesty's reign, entitled*, An Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the time of Fire, *no provision is made for the purchasing the implements necessary to be used in putting a stop to, or extinguishing fire, or to save the property of the inhabitants:*

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That each Fireward, appointed agreeable to the directions of the above-recited Act, shall be forthwith provided with one ladder, at least twenty-four feet in length, and one ladder sixteen feet long, with hooks, one fire hook, two axes, twelve leather buckets, and twelve large bags, and one saw, which shall be by the said Fireward deposited in the most convenient place in such ward, and at which the inhabitants of such ward are to assemble, when the fire-bell rings, and from thence to proceed under the direction of the said Fireward, with such of the said implements as may be required to the place of danger.

Articles each Fireward must be furnished with.

Place of deposit, and of their removal in case of fire.

II. *And be it also enacted*, That the ward or district, of which each Fireward shall have charge, shall be numbered, and that the ladders, fire-hooks, bags, axes, saws and buckets, shall be marked with the number of the ward to which they belong, and within twenty-four hours after the extinguishing any fire, the said ladders, fire-hooks, bags, axes, saws and buckets, shall be delivered at such place of deposit; and if after twenty-four hours any of said ladders, firehooks, axes, buckets, bags or saws, shall be found in the possession of any person, he, or she, shall forfeit and pay a fine of forty shillings, to be levied by warrant of distress and sale of the offender's goods before any one of His Majesty's Justices of the Peace; the said fine to be paid into the hands of the Fireward, and to be applied for the purpose of repairing the said ladders, fire-hooks, axes, buckets, bags and saws.

Said articles to be marked with the number of the ward to which they belong.

Ladders, &c. to be returned within 24 hours after fire extinguished, to the place from whence they were taken; if missing, and found in possession of any person, said person to be fined 40s Inhabitants to furnish said articles.

III. *And be it also further enacted*, That the amount of the cost of the ladders, firehooks, axes, buckets, bags, and saws, so purchased, shall be levied on the inhabitants of the town and suburbs of Halifax, by assessment, in manner as is provided for levying the monies vested for the support of the poor, and recovered accordingly.

IV.

Constable to attend Fireward.

IV. *And be it enacted*, That the Constables of each ward, shall attend with their staves on the Fireward of such ward, at times of fire, to receive his directions, and to assist in keeping good order and prevent thefts.

CAP. V.

Expired.

An ACT in amendment of, and for continuing an Act, made in the Fifteenth year of His present Majesty's Reign, entitled, an Act for granting to His Majesty an Excise on Molasses, and Brown Sugar, sold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the West-Indies.

CAP. VI.

Expired.

An ACT in addition to, amendment of, and for continuing the several Acts of the General Assembly of this Province, relating to the Duties of Impost and Excise on Wines, Beer, Rum, and other Distilled Spirituous Liquors.

CAP. VII.

Expired.

An ACT to provide for the maintenance and support of the Transient Poor in this Province, by laying a Duty on Goods imported and sold by Adventurers.

CAP. VIII.

Expired.

An ACT in addition to, and for continuing the several Laws relating to the Duty on Licensed Houses.

CAP. IX.

Expired.

An ACT to repeal an Act, made the last Session of the General Assembly, entitled, an Act in addition to, and amendment of, and to reduce into one Act, the several Acts of the General Assembly, for regulating Carriers, and Owners of Waggons, Carts and Trucks, travelling through the Province.

CAP.

CAP. X.

An ACT to exempt from the payment of the Duties of Impoſt and Exciſe, ſuch Molaſſes, Rum, or other diſtilled Spirituous Liquors, as ſhall be iſſued to His Majeſty's Troops in this Province, as a Gift or Donation from His Majeſty. Expired.

CAP. XI.

An ACT to raiſe a ſum of Money towards keeping in repair the Roads leading from Halifax to Windſor, and the Diſtrict of Colcheſter. Expired.

CAP. XII.

An ACT in further addition to, and amendment of, the ſeveral Laws made by the General Aſſembly of this Province, for the eſtabliſhing and regulating the Militia. This Act repealed.

CAP. XIII.

An ACT for the relief of SAMUEL SMITH, an Inſolvent Debtor, and Priſoner in His Majeſty's Goal at Halifax. This Act executed.

CAP. XIV.

An ACT to provide for the ſupport of the Puiſne Judges of His Majeſty's Supreme Court. This Act not aſſented to by His Majeſty.

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 1783, and in the Twenty-Third Year of His ſaid Majeſty's Reign, being the Sixteenth Seſſion of the Fifth General Aſſembly convened in the ſaid Province.*

* In the time of John Parr, Eſq; Governor; Richard Bulkeley, Preſident of Council; William Nesbit, Speaker; Francis Shipton, Secretary of Council; and Richard Cunningham, Clerk of Aſſembly.

CAP. I.

An ACT for the better regulating the Office of Sheriffs, and the manner in which the Sheriffs, Clerks of the Crown, and Clerks of the Peace, ſhall return and paſs their Accounts of all Fines and Forfeitures, which ſhall be impoſed by their reſpective Courts, and which ſhall be levied by the Sheriffs for the uſe of the Crown.

The 1ſt, 2d, 3d, 4th, 5th, 6th and 7th ſections of this Act, are repealed by 53d. Geo. 3d. cap. 10. See 55th Geo. 3d. cap. 1, and 40th Geo. 3d. a temporary Act.

And whereas great and many inconveniences have ariſen, by reaſon of the Clerks of the Crown, Clerks of the Peace and Sheriffs, neglecting regularly to account for ſuch fines and forfeitures as ſhall be adjudged to be levied for the King, in their reſpective counties:

Sheriffs, Clerks of the Crown and Clerks of the Peace, to account for all fines and forfeitures, to the Crown every ſix months.

VIII. *Be it therefore enacted*, That from and after the publication hereof, all Clerks of the Crown, and Clerks of the Peace in the ſeveral counties within this Province, ſhall once in every ſix months, certify, under the ſeal of their reſpective Courts into the office of the Clerk of the Supreme Court at Halifax, an Account, ſtating therein the ſeveral fines, penalties and forfeitures adjudged to the King in their reſpective Courts, together with the names of the perſons, who ſhall be adjudged to pay ſuch fines, penalties and forfeitures; and in caſe ſuch fine, penalty, or forfeiture, ſhall be adjudged to the Crown in any or either of ſaid Courts within the ſaid ſix months, then the Clerk of ſuch Court ſhall certify the ſame as aforeſaid; and in caſe any Clerk of the Crown, or Clerks of the Peace for any county within this Province, ſhall neglect to make returns in the manner aforeſaid every ſix months, ſuch Clerk ſhall forfeit and pay for each and every neglect the ſum of Five Pounds, to be recovered on information by any perſon whatſoever in His Majeſty's Supreme Court at Halifax, and in caſe any Sheriff of any county within this Province, ſhall neglect or delay longer than two months after his year of office ſhall expire, to render an account on oath to the ſaid Clerk of the Supreme Court in Halifax

Fine for neglect five pounds.

Fine for neglect in this caſe for more than two

Halifax, of all such fines, forfeitures, penalties, or other debts or dues of the Crown as shall be levied by him, together with the names of the persons on whom the same shall be levied, such Sheriff, for each and every neglect as aforesaid, shall forfeit and pay the sum of Twenty Pounds, the same to be recovered on the information of any person whatsoever, before His Majesty's Supreme Court at Halifax, one half said penalty to go to the informer, and the other half to the Crown. months after year of office shall expire, &c.

IX. *And be it further enacted*, That at the end of every Easter Term, the Clerk of His Majesty's Supreme Court in Halifax, shall state a general account of all the fines, forfeitures and penalties adjudged to the Crown in the several Courts within this Province, particularizing each county, and the names of the persons who shall be adjudged to pay such fines, forfeitures and penalties, as also the sums levied on account thereof, and the sums that shall be then due, and the names of the persons who owe the same, which said account stated as aforesaid, the said Clerk of the said Supreme Court shall certify under the seal of said Court into the Treasury of this Province, and in case the said Clerk shall neglect to return such account in fourteen days after the end of every Easter Term, such Clerk shall forfeit and pay the sum of Twenty Pounds, for each and every neglect, or omission; the same to be recovered before the said Supreme Court in Halifax, on the information of any person whatsoever, one half said penalty to go to the King, and the other half to the informer. Clerk of the Supreme Court at Halifax shall state a general account of fines, &c. Penalty for neglect to state and return such account, &c.

CAP. II.

An ACT for the Relief of sundry of His Majesty's Subjects in this Province, against whom Judgments have been recovered, on account of Losses sustained by the Depredations of the Enemy.

WHEREAS *some persons, inhabitants of this Province, who have sustained losses by reason of the depredations of the enemy, have commenced suits, and recovered judgments against other persons, likewise inhabitants and subjects of this Province for the amount of such their losses on allegations that such persons had aided and assisted the enemy:* Preamble.

And whereas there is much reason to think, that such judgments have been recovered for a much larger amount than the losses really sustained by such persons, owing to the confused state of the back part of this Province, and the difficulty that in those times attended the procuring of the attendance of witnesses: Judgment for the just account of losses sustained to be paid.

And whereas the manner in which the said judgments have been carried into execution is grievous and oppressive, the estates of a few individuals, having been wholly seized to satisfy the same, it is fit that the losses really sustained by the persons recovering said judgments, should be paid and satisfied by all the inhabitants of this Province, who were concerned in causing such losses:

II. *Wherefore, Be it enacted by the Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by warrant under his hand and seal to appoint three fit and proper persons to act as Commissioners for the purposes herein after mentioned, in each county within this Province, if any freeholder or freeholders of such county shall desire the same; such Commissioners to be first duly sworn, to the faithful and impartial discharge of the trust reposed in them. Commissioners to be appointed to examine and ascertain losses. Commissioners to be sworn.

III. *And be it further enacted*, That it shall and may be lawful for such Commissioners after they shall have been appointed and qualified as aforesaid, to post up advertisements, for at least one month, in all the most noted places, within their county, thereby notifying all persons concerned; of the time and place, when and where, they will proceed to act under the said commission, and said Commissioners shall likewise cause a notice, under their hands and seals to be served on each person within their county, who has recovered any judgment or judgments against Commissioners to post up advertisements to notify the concerned.

against inhabitants of this Province, for and on account of any losses they may have sustained by the depredations of the enemy, thereby requiring them on a certain day therein to be specified, to appear before them, and there to exhibit a particular account of the losses for which he or they have recovered said judgments, and also to lay before them such proofs and evidences, as they may have to ascertain their said losses, and the said Commissioners, shall have power to adjourn from day to day, to administer oaths to, and examine all such witnesses as shall be produced before them, either by one party or the other; And after such Commissioners shall have fully heard the allegations of all parties, it shall and may be lawful for them, after giving credit for all such sums of money, or other satisfaction, as such persons shall have already received from government, as a recompence for their said losses, as also for all such sums of money as they shall have received by the sale of personal estates by virtue of such judgments, to sign and seal a report directed to the Chief Justice of His Majesty's Supreme Court, thereby ascertaining the amount of the real losses of each person or persons, who have recovered judgments as aforesaid, and likewise to transmit with their said report, a list of the persons names who are or were inhabitants of their said county, and who ought properly to be charged with the payment of such losses.

The Commissioners authorised to administer oaths to witnesses.

Commissioners to make report of their proceedings to the Supreme Court directed to the Chief Justice.

IV. *And be it further enacted*, That if the persons who have recovered judgment as aforesaid, or any of them, shall after notice given as herein beforementioned, neglect or refuse to attend the said Commissioners with their accounts and proofs as aforesaid, that then, it shall and may be lawful for such Commissioners to collect the real amount of such person or persons losses by the best information they can, and to make a report of the same, stating therein the neglect and refusal of such person or persons to attend as aforesaid.

Persons who have recovered judgment neglecting to attend, Commissioners are empowered to collect the Losses, upon Information.

V. *And be it further enacted*, That after such Commissioners report shall have been filed in His Majesty's Supreme Court at Halifax, for one whole term, it shall and may be lawful for the Chief Justice of the said Court, and his associates, to take such report into consideration, and after examining the same, and hearing such affidavits as shall be filed therewith, if it shall appear to the said Court, that such judgments have been surreptitiously obtained, or that the person recovering the same have by any unfair means recovered more than the value of the real losses they sustained, or that there are any or other persons, inhabitants of such county or counties, who ought equally as well to be charged with the payment of such losses, as the person against whom such judgments have been recovered, that it shall and may be lawful for the said Judges to set such judgment, and all the proceedings had under the same aside, and to order the real losses of such person or persons recovering said judgments to be made good by an assessment to be made, and levied on the several persons, who the said Commissioners shall return in their said list as persons properly chargeable with the payment of the same.

After Report of the Commissioners duly filed, the Chief Justice &c. may proceed to confirm the Accounts and Report and set aside any Judgment surreptitiously obtained.

The Value of the real Losses to be levied and made good by Assessment.

VI. *And be it further enacted*, That all judgments recovered, and all executions issued thereon by any person or persons whatsoever, against any inhabitant or inhabitants of this Province for any loss or losses sustained by the depredations of the enemy, shall, and the same are hereby suspended, until the same shall have been considered in His Majesty's Supreme Court as herein before specified.

The Execution of Judgments suspended until considered in the Supreme Court.

CAP.

CAP. III.

An ACT for granting the King's Moſt Gracious Free Pardon, to all His Subjects in this Province, for all Treaſons, Miſpriſon of Treaſons, or Treaſonable Correſpondence committed or done by them, or any of them, in adhering to, aiding or aſſiſting, countenancing or abetting, His Majeſty's late Subjects in the Thirteen Colonies, during their Rebellion.

Preamble.

WHEREAS *ſome few inhabitants, ſubjects of this Province, miſled by a falſe zeal, have, during the late unhappy war in America, joined with, aided and aſſiſted, His Majeſty's late ſubjects the inhabitants of the thirteen colonies during their rebellion, and ſome few others again have correſponded with ſuch inhabitants, whereby their lives and properties have become liable, on proſecution, for ſuch their treaſons, to be forfeited to His Majeſty:*

And whereas the ſaid war is now at an end, and it is expedient for the public welfare of this Province, that all remembrance of the cauſes thereof, ſhould as ſpeedily as poſſible be buried in oblivion, and in full hopes, that all His Majeſty's ſubjects of this Province, who have made themſelves liable to the pains and penalties aforeſaid, may by this Act of Grace, be induced in future, more carefully to obſerve the laws, and to live in dutiful and loyal obedience to His Majeſty:

All perſons guilty of Treaſons acquitted, pardoned, &c. from all pains and penalties.

I. *Be it therefore enacted, by the Governor, Council and Aſſembly,* That all and every His Majeſty's ſubjects of this Province and their heirs, and every of them, are hereby acquitted, pardoned, releaſed, and diſcharged, againſt the King's Majeſty, and His ſucceſſors, of all manner of treaſons, miſpriſon of treaſons, treaſonable and ſeditious words, libels or correſpondence, by them or any of them committed or done, in aiding, countenancing or aſſiſting, His Majeſty's late ſubjects in the thirteen colonies, during their rebellion, and from all pains, penalties, forfeitures, pains of death, and pains corporeal, which may have been incurred or forfeited by them, or any of them, (before the paſſing this preſent Act) by reaſon or means of the ſaid premiſes.

Proſecutions to ceaſe.

II. *And be it further enacted,* That all proſecutions now carrying on againſt any perſon or perſons, coming under the aforeſaid deſcription, whether civil or criminal, ſhall ceaſe, and be at an end, and that no other ſuits or proſecutions ſhall in future be commenced or proſecuted for any matter or thing comprehended in this Act.

CAP. IV.

An ACT for altering and reducing the Terms of the Sitting of the Supreme Court at Cumberland, in the County of Cumberland.

This Act altered by 34th Geo. 3d. cap. 5.

CAP. V.

An ACT in further addition to, and amendment of, an Act made in the Firſt year of His preſent Majeſty's reign, entitled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the ſeveral Townſhips in this Province.

For Acts in amendment or addition to this Act, ſee note on 1ſt Geo. 3d. cap. 14.

Preamble.

WHEREAS *by the firſt ſection of an Act made in the fifth year of His preſent Majeſty's reign, entitled,* An Act in addition to, and amendment of, an Act, made in the firſt year of His preſent Majeſty's reign, entitled, An Act for repairing highways, roads, bridges and ſtreets, and for appointing Surveyors of Highways within the ſeveral Townſhips in this Province, *it is directed,* 'That all public highways hereafter to be laid out, ſhall not be leſs than one hundred feet wide.

And whereas doubts have ariſen, whether ſaid Act extended to highways and roads then in uſe only:

Roads to continue of the ſame width they were, or not to exceed ſixty ſix feet wide.

I. *Be it therefore enacted by the Governor, Council and Aſſembly, and it is hereeby enacted and declared,* That all highways through the Province, which were in uſe as ſuch at the time of making ſaid Act ſhould be continued of the ſame breadth they then were, or not to exceed ſixty ſix feet wide.

CAP. VI.

An ACT in further addition to an Act, made in the Second year of His preſent Majeſty's Reign, entitled, an Act for appointing Firewards, aſcertaining their Duty, and for puniſhing Thefts and Diſorders at the Time of Fire.

Preamble.

WHEREAS *it is highly neceſſary, that the fire engine be conſtantly kept in good order, and that a number of prudent perſons be appointed for that purpoſe:*

Appointment of Engine Men.

I. *Be it enacted by the Governor, Council, and Aſſembly,* That it ſhall and may be lawful for the Juſtices in their Seſſions of the Peace for the town and county of Halifax; and they are hereby required to appoint ſuch number of prudent perſons, not exceeding nine, who ſhall be denominated Engine Men, and ſhall have charge of the town engine, and ſhall be obliged to keep the ſame in good order and fit for ſervice on all occaſions; and that the ſaid perſons ſo choſen, ſhall be exempted from ſerving on Juries, or the office of Conſtable during their continuance in ſaid office.

who are exempt from ſerving in ſome other offices.

Duty of the Engine Men.

II. *And be it enacted,* That at the time of the breaking forth of fire in the ſaid town, or ſuburbs, the ſaid Engine Men ſhall repair to the engine, and uſe their utmoſt efforts in taking it to the place where the fire ſhall be diſcovered, and there work the ſame, according to their beſt ſkill and judgment, and the directions of the Firewards for extinguiſhing any fire ſo broke out.

Perſons refuſing to aſſiſt liable to a penalty.

III. *And be it alſo enacted,* That one of the Engine Men, choſen as aforeſaid, ſhall have the power of a Fireward to command any neceſſary aſſiſtance in taking the engine to and from the place of fire, and any perſon refuſing to obey ſuch orders, ſhall be ſubject to the ſame fines as impoſed by an Act made in the ſecond year of His preſent Majeſty's reign, entitled, An Act for appointing Firewards, aſcertaining their Duty, and for puniſhing Thefts and Diſorders at the time of Fire.

IV.

IV. *And be it further enacted*, That all neceſſary repairs to the ſaid engine, ſhall be allowed and paid by aſſeſſment, under the order and direction of the Juſtices and Grand Jury in their General Quarter Seſſions, to be levied on the Inhabitants of the town of Halifax. Repairs of the Engines to be paid by Aſſeſſment.

CAP. VII.

An ACT for Eſtabliſhing the Times of holding an Inferior Court of Common Pleas, and General Seſſions of the Peace in the Townſhip of Shelburne. This Act altered by the 30th Geo. 3d. cap. 6.

CAP. VIII.

An ACT for fixing the Place and Time for holding the Courts of General Seſſions of the Peace and Inferior Courts of Common Pleas in the County of Sunbury. This part of the Province is now included in New-brunſwick

CAP. IX.

An ACT for the relieving His Majeſty's Subjects, profeſſing the Popiſh Religion from Certain Penalties and Diſabilities impoſed upon them by two Acts of the General Aſſembly of this Province, made in the Thirty Second Year of his late Majeſty's Reign, entitled, an Act, confirming Titles to Lands and quieting Poſſeſſions; and an Act for the Eſtabliſhment of Religious public Worſhip in this Province, and for Suppreſſing of Popery. See 32d Geo. 2d. cap. 2 and 5.

WHEREAS *it is expedient to repeal certain proviſions in the Acts, made by the General Aſſembly of this Province in the thirty ſecond year of his late Majeſty's reign, entitled, an Act for confirming titles to lands and quieting poſſeſſions; and an Act, entitled, an Act for the eſtabliſhment of religious public worſhip in this Province, and for ſuppreſſing of Popery, whereby certain penalties and diſabilities are impoſed on perſons profeſſing the popiſh religion:* Preamble.

I. *Be it enacted, by the Governor, Council and Aſſembly*, That ſo much of the ſaid Act as relates to the diſabling any papiſt from having any right or title, to hold, poſſeſs or enjoy, any lands or tenements other than by virtue of any grant or grants from the crown; but that all deeds or wills hereafter made conveying lands or tenements to any papiſt, or in truſt for any papiſt, ſhall be utterly null and void; and that ſuch lands or tenements ſhall not revert to the perſons, granting the ſame to any papiſt, or in truſt for any papiſt, but that ſuch lands and tenements, ſhall, upon conviction of ſuch papiſt, be veſted in His Majeſty, His heirs and ſucceſſors, for ever. Repeal of former Penal Laws.

II. And that ſo much of ſaid Act as ſubjects popiſh perſons exerciſing any eccleſiaſtical juriſdiction or popiſh Prieſt to impriſonment and perſons harbouring, relieving, concealing or entertaining any ſuch clergyman of the popiſh religion, popiſh prieſt or perſon, exerciſing the function of a popiſh prieſt to penalties and puniſhment, ſhall be and the ſame and every clauſe and matter and thing herein before mentioned is and are hereby repealed.

III.

Lands, Tenements, &c. not hitherto litigated to be enjoyed by the real proprietor.

III. *And be it enacted*, That every person and persons having or claiming any lands, tenements or hereditaments under titles not hitherto litigated though derived from any descent, devise, limitation or purchase, shall have, take, hold and enjoy, the same, as if the said Acts or any thing herein contained had not been made, any thing in the said Acts contained to the contrary notwithstanding.

Not to affect present Suit.

IV. *Provided always, and be it enacted*, That nothing herein contained, shall extend, or be construed to affect any suit or action now depending, which shall be prosecuted with effect and without delay.

An Oath to be taken.

V. *Provided also*, That nothing herein contained shall extend or be construed to extend to any person or persons, but such who shall within the space of six calendar months after the passing of this Act, or of accruing of his, her, or their title being of the age of twenty one years, or who being under the age of twenty one years shall within six months after he or she shall attain the age of twenty one years, or being of unsound mind, or in prison, or beyond the seas, then within six months after such disability removed, take and subscribe an oath in the words following:

Form of the oath

I A. B. sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty, King George the Third, and him will defend to the utmost of my power, against all conspiracies and attempts whatever, that shall be made against His Person, Crown or Dignity, and I will do my utmost endeavours to disclose and make known to His Majesty, His Heirs and Successors, all treasons, and traitorous conspiracies which may be formed against Him or them, and I do faithfully promise to maintain, support and defend to the utmost of my power, the succession of the Crown in His Majesty's family, against any person or persons whatsoever, hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the stile and title of Prince of Wales, in the life time of His father, and who since His death is said to have assumed the stile and title of the King of Great-Britain, by the name of Charles the Third, and to any other person claiming or pretending a right to the Crown of these realms; and I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics, and also that unchristian and impious principle that no faith is to be kept with heretics. I further declare that it is no article of my faith, and that I do renounce, reject and abjure, the opinion that Princes excommunicated by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects or any other person whatsoever; and I do declare, that I do not believe, that the Pope of Rome or any other foreign Prince, Prelate, State or Potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly, or indirectly, within this realm; and I do solemnly in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation or mental reservation, whatsoever, and without any dispensation already granted by the Pope or any authority of the See of Rome, or any person whatsoever, or without thinking that I am, or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope or any other persons or authority whatsoever, shall dispense with, or annul the same, or declare that it was null and void.

Oath to be competent in any Court of Record. Register of the same to be kept.

VI. Which oath it shall be competent to any of His Majesty's Courts of Record or to any Court of any General Sessions of the Peace within this Province to administer, and they are hereby required to administer the same accordingly, of the taking and subscribing of which oaths a register shall be kept and preserved.

Assented to by His Majesty.

VII. *Provided*, That nothing in this Act contained shall be of any effect until His Majesty's pleasure therein shall be known.

CAP.

CAP. X.

An ACT for Eſtabliſhing and Regulating Ferries.

Preamble.

WHEREAS *the eſtabliſhment of ferries in many parts of this Province, is of great utility, and renders the communication to ſeveral places, more eaſy and expeditious:*

Ferries ſhall be eſtabliſhed and regu'ated and ferrymen appointed by Juſtices in Seſſions,

I. *Be it enacted by the Governor, Council, and Aſſembly*, That from and after the publication of this Act, His Majeſty's Juſtices in their General or Special Seſſions of the Peace for each County, ſhall be, and they are hereby authoriſed and impowered, to eſtabliſh ſuch ferries over rivers, bays or creeks, within their reſpective Counties, as may be by them thought neceſſary, and to agree with, and grant licenſes to ſuch perſons as they ſhall judge meet as Ferrymen, under ſuch rules and regulations, as they from time to time ſhall judge moſt for the good of the public; and any perſon or perſons, who ſhall agree and accept of the office or place of Ferryman, and after ſuch agreement and acceptance ſhall refuſe or neglect to comply with, and obſerve the ſeveral articles and clauſes contained in ſaid rules and regulations made as aforeſaid, ſhall be fined by the Juſtices in their Seſſions, in any ſum not exceeding forty ſhillings.

Penalty on Ferrymen not obſerving the regulation, 40s.

None but the Ferrymen ſhall carry over either man or beaſt where a Ferry ſhall be eſtabliſhed. Penalty 20s.

II. *And be it alſo enacted*, That when any ferry ſhall be eſtabliſhed, over any river, bay or creek, as aforeſaid, and any perſon or perſons appointed and licenſed to attend the ſame as aforeſaid, if any perſon or perſons whatſoever ſhall carry or ferry over ſuch river, bay or creek, either man or beaſt, for hire, unleſs by deſire or conſent of the Ferryman, or on his neglect or refuſal to give due attendance, ſuch perſon ſhall forfeit and pay a fine not exceeding twenty ſhillings, to be recovered on complaint before any two of His Majeſty's Juſtices of the Peace, and be levied by diſtreſs and ſale of the offender's goods and chattels.

Ferrymen not giving due attendance, any perſon may ſupply his place and until another ſhall be appointed

III. *Provided nevertheleſs*, That if any Ferryman appointed as aforeſaid, ſhall neglect or refuſe to give attendance, purſuant to the regulations made for that purpoſe, in every ſuch caſe any other perſon or perſons may ſupply the place of ſuch Ferryman, until another be appointed and licenſed as aforeſaid, and receive payment for the ſame, in the ſame manner as the proper Ferryman might do if preſent,

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CAP. XI.

An ACT for Eſtabliſhing the Times of holding Inferior Courts of Common Pleas in the Diſtrict of Colcheſter in the County of Halifax.

For Acts that alter this Act, ſee Acts 31ſt Geo. 3d. cap. 5. 32d. Geo. 3d. cap. 9.

Preamble.

WHEREAS *the want of roads, and the diſtance between the ſettlements of Wilmot River, Pictou, Tatamagouſhe, and the diſtrict of Colcheſter and Halifax, occaſions the attendance of perſons reſident in the ſaid diſtrict and ſettlements at the Inferior Courts of Common Pleas, held at Halifax, for the ſaid County, not only very inconvenient, but greatly impedes the due adminiſtration of Juſtice in the aforeſaid diſtrict and ſettlements; for remedy whereof:*

Inferior Court to be held at Onſlow firſt Tueſday of February and Auguſt yearly.

I. *Be it enacted, by the Governor, Council and Aſſembly*, That an Inferior Court of Common Pleas for the ſaid diſtrict, ſhall and may be holden within the townſhip of Onſlow, in the county aforeſaid, on the firſt Tueſday of February, and the firſt Tueſday in Auguſt, in every year.

Laws relating to Jurors, writs, &c. to extend to ſaid Court.

II. *And be it alſo enacted*, That all and every the Laws of this Province, reſpecting the balloting, ſummoning and attendance, of Jurors, ordering and taking ſpecial bail, the ſervice of writs and executions, or which relate to order and direct either the practical or judicial proceedings of the Courts of Law in this Province, ſhall extend, and be conſtrued to extend, to the ſaid Inferior Court of Common Pleas in the townſhip of Onſlow, as aforeſaid.

CAP.

CAP. XII.

Expired. An ACT for Licenſing Butchers, and preventing them in future from being guilty of Extortion, and other Miſbehaviour.

CAP. XIII.

Expired. An ACT for regulating Inns, and Taverns, on all the Public Roads throughout this Province, and eſtabliſhing the Prices of Entertainment for Travellers and their Horſes.

CAP. XIV.

Expired. An ACT for continuing the ſeveral Laws relating to the Duty on Licenſed Houſes.

CAP XV.

Expired. An ACT for continuing the ſeveral Acts of the General Aſſembly of this Province, relating to the Duties of Impoſt and Exciſe on Wines, Beer, Rum, and other Diſtilled Spirituous Liquors, and for continuing the ſeveral Acts of the General Aſſembly of this Province, relating to the Duties of Exciſe on Molaſſes and Brown Sugar, ſold within, or brought into, this Province, and for the more effectual improving, and extending the Trade of this Colony to the Weſt-Indies.

CAP. XVI.

Expired. An ACT for eſtabliſhing the ſtandard Weight of Grain, and for appointing proper Officers for meaſuring Grain, Salt and Coals, and aſcertaining the ſtandard ſize of Bricks.

CAP. XVII.

Expired. An ACT for continuing ſeveral Acts that are near expiring.

CAP.

CAP. XVIII.

An ACT in amendment of, and for continuing an Act made in the last General Assembly of this Province, entitled, an Act to raise a Sum of Money towards keeping in repair the Roads leading from Halifax to Windsor, and the District of Colchester. Expired.

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 First Day of November, Anno Domini 1784, and in the Twenty-Fifth Year of His said Majesty's Reign, being the Seventeenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of John Parr, Esq; Governor; Bryan Finucane, Chief Justice and President of Council; Thomas Cochran, Speaker; Richard Bulkeley, Secretary of Council; and Richard Cunningham, Clerk of Assembly.

CAP. I.

An ACT for more effectually making Lands and Tenements liable for the Payment of Debts, also to enable the Holders of small Mortgages to sell the Premises, mortgaged to them, more speedily, and at less expence, than heretofore, as also to repeal an Act made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for making Lands and Tenements liable to the Payment of Debts.

This Act not assented to by His Majesty.

CAP. II.

An ACT to impower the Justices in the several Counties within this Province to issue Summons' for the Attendance of Witnesses on Trials.

See note on 14th and 15th Geo. 3d. cap. 4.

WHEREAS *great inconveniences attend the summoning witnesses, whose place of residence is distant from the place where the Court for trials is held, for remedy whereof:* I.

Preamble.

Justices to issue Summons for the attendance of witnesses, if they live at the distance of five miles from where the Court is held.

I. *Be it enacted by the Governor, Council and Assembly, and by the authority of the same it is enacted*, That when it is found necessary to summon any person or persons as witness or witnesses to attend and give evidence in any trial, whose place of residence shall be five miles or upwards from the place where the Court at which such trial is to be had or held, it shall and may be lawful for the Justices in the several Counties, to issue a summons for such person or persons to attend as a witness or witnesses at the trial of the said causes, which summons shall be in form following:

Form of the Summons.

You A. B. are summoned personally to be and appear before at on the day of next, then and there to give evidence in a cause depending in said Court between A. B. plaintiff, and C. D. defendant, and not to depart without leave of said Court, and in this you are not to fail, under penalty of being found guilty of a contempt of said Court. Witness one of His Majesty's Justices of the Peace for the County of this day of A. D.

Person summoned as witness on any trial, refusing to attend or give evidence, &c.

II. *And be it also enacted*, That when any person or persons shall be summoned to give evidence upon the trial of any issue between party and party, or in behalf or against any prisoner upon trial, and such person or persons so summoned shall refuse or neglect to give his or her attendance at the time and place mentioned in such summons, (not having any just or reasonable cause therefor to be allowed of by the Court, or Justice or Justices, before whom the trial shall be,) or wilfully withdraw himself or herself before sworn, or shall refuse to give his or her evidence, in every such case, the party so offending shall be liable to such pains and penalties as such person or persons would have been liable to, if he or they had acted in contempt of a supœna, issued out of the Court at which such person or persons attendance was so required.

Penalty for the same.

No persons shall be obliged to give evidence without their reasonable charges allowed.

III. *Provided always*, That no person shall be obliged to give evidence in any cause, before he or she be paid, or secured to be paid his or her reasonable charges for attendance; to be allowed of and ordered by the Court, Justice or Justices.

CAP. III.

An ACT for Establishing an Inferior Court of Common Pleas and a Court of General Sessions of the Peace in the Township of Manchester, in the District formerly called Chedabucto.

This Act altered by 37th Geo. 3d. cap. 5.

CAP. IV.

An ACT in amendment of, and further addition to, an Act made in the Thirty-Second year of His late Majesty's Reign, entitled, an Act for preventing Trespasses.

Preamble.

WHEREAS *the expence attending the process in suing out replevins in the Courts of Law, in cases of trespasses, by horses, neat cattle, sheep, goats and swine, where the value of the damage does not exceed three pounds, is found to be grievous:*

Mode of obtaining redress for damage done by cattle, where it does not exceed 3l.

I. *Be it enacted, by the Governor, Council and Assembly*, That in all cases where a trespass or supposed trespass shall have been committed by horses, neat cattle, sheep, goats or swine, and that the value of the damage alledged to be suffered, shall not exceed the sum of three pounds, the same shall be heard and tried before one or more Justices of the Peace, who shall summon the parties before him or them, and proceed thereon, as in cases of debt, to determine the amount of the damages and cost, and give judgment accordingly, any law, usage or custom, to the contrary notwithstanding.

II. *And be it also enacted*, That in all such cases where it may be necessary, the Justices of the Peace shall grant a replevin, and take security for prosecuting the same with effect, within a term not exceeding seven days, which replevin shall be in form following:

Justices may grant replevin upon receiving security to prosecute.

"You are hereby commanded to replevy to A. B. his which C. C. unjustly, as is alledged, detains under pretence of having committed a trespass not exceeding the sum of three pounds; and also to summon the said C. C. to be and appear before me the day of at o'Clock in the there to answer such things as shall be objected against him by the said A. B. Witness my hand and seal this day of A. D."

Form of Replevin.

And shall hear the merits of the case between the parties, and shall give judgment and grant execution as in summary causes heretofore tried before a single Justice, and shall receive no more or greater fees than Justices of the Peace have been heretofore allowed in summary causes.

Decision of the Justices.

CAP. V.

An ACT to ascertain the Number of Representatives to be elected to serve in General Assembly for the several Counties and Townships therein mentioned.

For Acts in amendment or addition to this Act, see note on 5th Geo. 3d. cap. 10.

WHEREAS *from the accession of settlers and inhabitants in this Province, it is expedient that the number of Counties and Townships therein be increased, and that the freeholders thereof be authorized to elect representatives to serve in General Assembly:*

Preamble.

I. *Be it enacted, by the Governor, Council and Assembly*, That the freeholders of the several Counties and Townships herein after named, shall have the privilege of electing in manner and form as heretofore hath been accustomed, Representatives, to serve in General Assembly, that is to say, for the County of Shelburne, situate on the western boundary of Queen's County, two Members; for the County of Sydney, situate on the eastern boundary of the County of Halifax, two Members; for the Township of Shelburne, situate on the harbour called Port Roseway, one Member; for the Township of Digby, in the County of Annapolis, situate on the bason of Annapolis, formerly called Conway, one Member.

Shelburne, Sydney and Digby, priviledged to send Representatives.

II. *Provided*, That nothing in this Act contained shall be of any force or effect until His Majesty's pleasure therein shall be known.

CAP. VI.

An ACT to prevent the Destroying of Buoys, Beacons or Sea Marks, which shall be set or placed by Authority, in any Harbour River, Creek, or Bay, within this Province.

Acts to secure navigation, 33d Geo. 3d. cap. 3. and 47th Geo. 3d. temporary Act.

WHEREAS *the destroying of buoys, beacons, and sea marks, set or placed by authority in any harbour, river, creek or bay, for the safe navigation of ships and vessels may prove of dangerous consequence to the lives and properties of persons navigating therein:*

Preamble.

I. *Be it enacted, by the Governor, Council and Assembly*, That any person or persons who shall take away, cut down, or destroy, or aid or assist in taking, cutting down or destroying, in any manner whatever, such buoys, beacons or sea marks, which are placed, or shall be placed or set by order or direction of the Governor, Lieutenant Governor, or Commander in Chief of the Province, or any other person, having authority so to do, in any harbour, creek or bay,

Any person taking or destroying Buoys placed by authority, to be made to pay cost.

within the said province, such person or persons, shall on due conviction thereof, by the oath of one credible witness, before two Justices of the Peace, forfeit and pay the sum of one hundred pounds; and on failure of payment thereof, or of goods or chattels, belonging to the offender whereon to levy the same, such offender shall be committed by such Justices to the goal of the County or place where the offence shall have been committed, for the space of twelve months.

Any person making fast any vessel or boat to any buoy so placed, to forfeit 20l.

II. *And be it also enacted*, That if any person or persons shall make fast to any such buoy or sea mark, any ship, vessel or boat, shall on due conviction thereof as aforesaid, pay a sum not exceeding twenty pounds, and on failure of payment thereof, or of goods or chattels, belonging to the offender, whereon to levy the same, such offender shall be committed by such Justices to the goal of the County or place where the offence shall have been committed, for a space not exceeding six months.

CAP. VII.

An ACT for more effectually raising a Duty of Excise on Wine, Rum, and certain other enumerated articles, and for preventing Frauds in the Collection of the Revenue.

Expired.

CAP. VIII.

An ACT for more effectually raising a Revenue within this Province, for the Support of its Government.

Expired.

CAP. IX.

An ACT in addition to, and amendment of, an Act for continuing the several Laws relating to the Duties on Licensed Houses, and for the appropriation of the Monies raised thereby.

Expired.

CAP X.

An ACT for continuing the several Acts herein after mentioned.

Expired.

CAP. XI.

An ACT to exempt all Molasses, Rum, and other Distilled Spirituous Liquors imported into this Province, or purchased for the Use of His Majesty's C reening Yard or Navy, from paying the several Impost Duties imposed thereon by the Laws of this Province.

Expired.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, and in the Twenty-Sixth 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 Sixth General Assembly convened in the said Province.*

* In the time of John Parr, Esq. Governor; Richard Bulkeley, President of Council; Sampson Salter Blowers, Speaker Francis Shipton, Secretary of Council; and James Butler Franklin, Clerk of Assembly.

CAP. I.

An ACT for Establishing the Times and Place of holding the several Courts of Justice therein mentioned, in the County of Cumberland.

[That part of the first section of this Act, which regulates the Sitting of the Supreme Court, is not printed, being changed by the 34th Geo. 3d. cap. 5, and the Sitting of the Sessions and Inferior Courts in April, is changed and established by 36th Geo. 3d. cap. 3. the third section is not printed, as it respects the attendance of parties.]

Time of holding Court of Common Pleas, and General Sessions of the Peace, for the County of Cumberland at Amherst.

I. *Be it enacted by the Governor, Council, and Assembly*, That the Inferior Court of Common Pleas and General Sessions of the Peace shall be held for the County of Cumberland, at Amherst, on the last Tuesday of October annually.

Writs returnable within 60 days.

II. *And be it further enacted*, That all executions upon judgments, which shall be given at the said Supreme Court* shall be returnable in sixty days from the day of issuing such execution.

* Means the Supreme Court at Amherst, which is the Court mentioned in the first section.

CAP. II.

An ACT to empower the Justices of the Peace to hold Special Courts of Sessions for the purposes therein mentioned.

Preamble.

WHEREAS *the maintenance of persons committed to goals on criminal actions in the different parts of this Province, has generally been attended with expence, from the length of time intervening between the Courts, and whereas the persons so committed frequently suffer from the severity of the weather, and length of confinement; for remedy whereof:*

Justices of the Peace empowered to hold Sessions for the trial of simple larcenies.

I. *Be it enacted, by the Governor, Council and Assembly*, That from and after the first day of January next, which will be in the year of Our Lord, one thousand seven hundred and eighty six, it shall and may be lawful for His Majesty's Justices of the Peace in their respective towns and counties within this Province, or any three of them, one whereof shall be of the quorum

quorum, to call a Special Court or Courts of Sessions, between the stated times limited by law for holding the said Courts, and proceed either by indictment or in a summary way, by motion and order, to the trying and determining of all criminal offences which come under the denomination of simple larceny, or do not extend to life or limb.

No offender to be punished unless convicted by the verdict of a jury.

Provided always, That it shall not be lawful for said Justices to pass sentence or inflict punishment on such offenders unless they shall be first convicted at such Court by the verdict of a Jury duly impannelled and sworn for that purpose.

CAP. III.

Expired.

An ACT to encourage and extend the export of Fish, Lumber and other Produce of this Province to the West Indies, and also to revive, alter and continue, the several Laws relating to the Duties of Impost on Beer, Rum and other distilled Spirituous Liquors, which Laws expired the thirty-first day of December, One Thousand Seven Hundred and Eighty Four.

CAP. IV.

Expired.

An ACT for continuing the several Laws therein mentioned.

CAP. V.

Expired.

An ACT in addition to, and amendment of, an Act for establishing and regulating Ferries.

CAP. VI.

Expired.

An ACT for continuing an Act of the General Assembly of this Province, entitled, an Act for more effectually raising a Revenue within this Province, for the support of its Government, as also for continuing and explaining an Act, entitled, an Act for more effectually raising a Duty of Excise on Wine, Rum and certain other enumerated articles, and for preventing Frauds in the collection of the Revenue.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini, 1785, in the Twenty-Sixth 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 Eighth Day of June, Anno Domini 1786, in the Twenty-sixth Year of His said Majesty's Reign, being the Second Session of the Sixth General Assembly convened in the said Province.*

* In the time of John Parr, Esq. Governor; Richard Bulkely, President of Council; S. S. Blowers, Speaker; Francis Shipton, Secretary of Council; James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for relieving His Majesty's Subjects, professing the Popish Religion from certain Penalties and Disabilities imposed on them by the Act of the General Assembly of this Province, made in the Sixth Year of His present Majesty's Reign, entitled, an Act concerning Schools and Schoolmasters.

WHEREAS *it is expedient to repeal certain provisions in the Act made by the General Assembly of this Province, in the sixth year of His present Majesty's reign, entitled,* An Act concerning Schools and Schoolmasters, *whereby certain penalties and disabilities are imposed on persons professing the Popish Religion:* Preamble.

I. *Be it enacted, by the Governor, Council and Assembly,* That so much of the said Act as relates to the subjecting any popish recusant, papist, or persons professing the popish religion, who shall set up any school within this Province to certain imprisonment and penalties, shall be, and the same is hereby repealed. Act repealed, as it respects schools

II. *Provided always,* That nothing herein contained, shall be construed to extend to any person or persons, but such who shall take and subscribe an oath in the words set forth in an Act made in the twenty third year of His present Majesty's Reign, entitled, An Act for relieving His Majesty's subjects professing the popish religion from certain penalties and disabilities imposed upon them by two Acts of the General Assembly of this Province, made in the Thirty-second year of His late Majesty's reign, entitled, An Act, confirming titles to lands and quieting possessions, and an Act for the establishment of Religious public Worship in this Province, and for suppressing of Popery, in the manner as therein directed, and who shall be licensed for that purpose by the Governor, Lieutenant-Governor, or Commander in Chief of this Province. Such Persons to take the Oath set forth in the Act of 23d Geo. 3d.

III. *Provided also, and it is hereby enacted and declared,* That nothing in this Act contained shall extend

No Papist to undertake the education of youth, under the age of 14 years, of the Protestant Religion.

extend, or be construed to extend, to the permitting any popish person, priest or schoolmaster, taking upon themselves the education or government, or boarding youth, within this Province, to admit into their schools any youth under the age of fourteen years, who shall have been brought up and educated in the protestant religion.

This Act not to have effect until His Majesty's Pleasure shall be known.

IV. *Provided also*, That nothing in this Act contained shall be of any force or effect until His Majesty's pleasure therein shall be known.

CAP. II.

An ACT for altering the Time appointed for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the County of Hants, in the spring of the year.

Preamble.

WHEREAS *the time for holding the Courts of Common Pleas, and General Sessions of the Peace at Windsor, in the County of Hants, on the last Tuesday of April, has been found inconvenient, it being the most busy season of the inhabitants in fencing, ploughing, and otherwise cultivating their lands:*

Time of holding Court of Common Pleas and General Sessions of the Peace at Windsor

I. *Be it enacted, by the Governor, Council and Assembly*, That the Court of Common Pleas and General Sessions of the Peace, for the County of Hants, shall be annually held at Windsor, in said County, on the first Tuesday of April, and last Tuesday of October; any law, usage or custom, to the contrary notwithstanding.

CAP. III.

Expired.

An ACT for continuing the several Laws mentioned therein, and also for altering the Impost Law hereby continued.

CAP. IV.

Expired.

An ACT to alter, amend and continue, an Act, passed in the Twenty-Fourth year of His present Majesty's reign, entitled, an Act for more effectually raising a Duty of Excise on Wines, Rum, and certain other enumerated articles, and for preventing Frauds in the collection of the Revenue.

CAP. V.

Expired.

An ACT to continue the Act for more effectually raising a Revenue within this Province, for the Support of its Government, and to enable persons exporting certain articles therein named to receive a Drawback on the Export thereof, and for other purposes therein mentioned.

CAP.

CAP. VI.

An ACT for continuing and amending an Act, entitled, an Act to raiſe a Sum of Money towards keeping in repair the Roads leading from Halifax to Windſor, and the Diſtrict of Colcheſter. Expired.

CAP. VII.

An ACT in addition to, and amendment of, an Act, made in the third year of the reign of His preſent Majeſty, entitled, an Act to prevent Nuiſances, by Hedges, Wears, and other Incumbrances, obſtructing the Paſſage of Fiſh in the Rivers in this Province.

For the Acts of which this is an amendment, ſee note on 3d and 4th Geo. 3d. cap. 2. This Act has been continued by ſeveral ſubſequent Acts to the 31ſt day of July, 1804.

Preamble.

WHEREAS by an Act made in the third year of the reign of His preſent Majeſty, the Juſtices in their firſt General Quarter Seſſions, thereafter to be held annually, in each County in this Province, were impowered and directed to make certain rules and orders for the regulation of the river fiſheries, in their reſpective Counties; by which Act divers penalties were inflicted, on the breach or violation of ſuch rules and orders: And whereas none of the proviſions of ſaid Act appear to extend to the conſtruction or formation of any mill dams, or other obſtruction, that have been, or may be erected, put or placed, on or acroſs rivers in this Province, ſo as to admit the free natural courſe of the fiſh at the ſeaſons of their paſſing up, or coming down the ſame; and whereas it is highly neceſſary and expedient for the preſervation of the ſaid river fiſheries, that all mill dams or other obſtruction, which may in future be erected, put or placed, on, or acroſs, rivers in this Province, ſhould be formed or made in ſuch manner, as not to impede the courſe of the fiſh, and alſo that ſome effectual alterations and amendments ſhould be made in ſuch mill dams, or other obſtructions, as may have been already built on, or acroſs, ſaid river or ſtreams, to the prejudice of the fiſheries before mentioned.

Mill Dams or other Obſtructions acroſs Rivers to which Fiſh reſort muſt have a waſte gate or ſlope, for the admiſſion of Fiſh.

I. *Be it therefore enacted by the Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted*, That all mill dams, or other obſtruction, which may hereafter be made, put or placed, on or acroſs any river or ſtream in this Province, which is, or may in future be reſorted to by fiſh from the ſea, at the time of their ſeaſons for ſpawning, ſhall be conſtructed or built with a waſte gate, or ſlope, ſufficient for ſaid fiſh to paſs up in the ſpring or ſummer months of the year, and to return down again in the fall months thereof, and which ſaid waſte gate ſhall be kept open, or ſlope kept up and in repair for the aforeſaid purpoſe, during the whole ſeaſon of the fiſh paſſing up, and returning down, on the pains and penalties hereafter declared.

If not ſo conſtructed, upon complaint made to the Quarter Seſſions.

II. *And be it further enacted, by the authority aforeſaid*, That if any mill dam, or other obſtruction ſhall be made, put or placed, on or acroſs any ſuch river or ſtream in this Province, without a waſte gate or ſlope ſufficient for the purpoſe aforeſaid, then, (on complaint thereof duly made on oath, in writing, to the Juſtices in their General Quarter Seſſions, whereof the owner or owners of ſuch mill dam ſhall have timely notice alſo in writing) it ſhall and may be lawful for the ſaid Juſtices in Seſſions, and they are hereby directed forthwith to iſſue their precept to the Sheriff in due form of law, commanding him to impannel twelve good and lawful men in the County, where the mill dam or other obſtruction ſo complained of, ſhall be, and, with the

The Justices upon the report of a Jury, may order the owner of such mill dams or other obstructions to form a slope, &c.
And to pay a fine not exceeding 5ol.

the said Jury, to repair to, and view the same: and the said Sheriff, after due consideration being had by the Jury touching the matters and things charged or set forth in such complaint, and after the examination of such witnesses on oath to be by him administered, as may be produced by either party shall return the inquest, so taken, to said Justices in their Sessions, and thereupon the said Justices shall, (in case the Jury do find the said complaint to be well grounded and proved,) make up an order in writing on such finding, thereby directing the owner or owners of such mill dam, or other obstruction, to construct or form in the same a sufficient waste gate, or slope, within a reasonable time therein to be limited, according to the true intent and meaning of this present Act, and requiring the party convicted to pay a fine not exceeding fifty pounds, nor less than ten pounds, immediately into the hands of the Clerk of the Peace, and if any offender or offenders shall refuse or neglect to pay said fine, together with such reasonable charges of prosecution as may be taxed and allowed by the Court, it shall and may be lawful for the said Justices in their Sessions, and they are hereby directed, to issue a warrant for levying said fine, and charges, by distress and sale made of the goods and chattels of the said offender or offenders; and if no sufficient distress can be found, then, on due return made thereof by the Sheriff, the said Justices in Session shall, by a further warrant to be by them issued in due form of law, commit such offender or offenders, to His Majesty's goal within the County, where the offence shall have been committed, there to remain for the space of three months, or until he shall have paid the said fine and charges.

And if the said fine be not paid.

The same be levied on the goods and chattels of the offender.

And if no distress be found the offender to be imprisoned.

III. *And be it further enacted, by the authority aforesaid*, That if the party so convicted, shall not, within the time limited in the aforesaid order of the General Quarter Sessions, make a sufficient waste gate or slope in exact conformity thereto, then it shall and may be lawful for three or more Justices within the County, where the said offence shall have been committed (either on their own view, or on complaint being made to them of said neglect) to hold a Special Sessions of the Peace for the purpose of proceeding further in the premises, and they are hereby further impowered and directed, after the aforesaid neglect of the owner or owners of said mill dam or other obstruction, shall be made to appear to them, to issue a precept to the Sheriff of that County, requiring him to take with him sufficient aid to the place where such mill dam, or other obstruction shall have been made, for the purpose of prostrating and wholly destroying the same, and all persons whose aid shall be required on that occasion by the Sheriff, are hereby commanded to be assisting to him for the purpose aforesaid, and if any action shall be commenced or brought against the Sheriff or his aid, for any thing done by him or them, in obedience to the commands of said precept, he or they may plead the general issue, and give the special matter in evidence to the Jury.

If the party convicted do not obey such order of the Justices,

a Special Sessions to be held,

And the Sheriff to prostrate such obstruction.
All persons, when required, to aid and assist.
If any action be commenced against the Sheriff &c. the special matter to be given in evidence.

IV. *And be it further enacted, by the authority aforesaid*, That the owners or proprietors of all mill dams or other obstructions already made on or across any river or stream in this Province, to which fish from the sea are, or have been, accustomed to resort, shall on or before the twentieth day of September in the present year of our Lord one thousand seven hundred and eighty six, make a waste gate or slope in the same for the purposes herein before declared; and if any such owner or owners shall refuse or neglect so to do, he or they, so refusing or neglecting, shall be subject to be proceeded against in the same manner, and be liable to the same distress, penalty and imprisonment, as such person or persons are subject and liable to by this Act, who shall have violated, or who shall have neglected or refused to obey the order of the said General Quarter Sessions in cases of mill dams, or other obstructions, to be made in future on rivers or streams within this Province; and in all cases where the Jury shall find the complaint against any mill dam, or other obstruction, to be groundless, he or they so complaining, shall by the said General Quarter Sessions, be adjudged to pay the owner or proprietor the charges of said inquest, to be taxed and allowed by the Court; and all the fines which shall or may be levied and paid by virtue of this Act, are hereby directed to be paid and applied to the purposes

The owners of Mill Dams, &c. already made, to make a waste gate or slope.

Punishment on refusal or neglect.

Persons complaining, without sufficient cause, to pay costs.
Fines levied under this Act to be applied to the making of roads.

of

of making public roads within the county, where the offence shall have been committed.

V. *And be it further enacted, by the authority aforesaid,* That all and every of His Majesty's subjects, owning or lawfully possessing lands by or thorough, or over which any river or stream in this Province shall or may run, shall be deemed to have the sole and exclusive right of taking fish therein, while and so long as the fish shall or may remain in such parts of said rivers or streams; and no person or persons whatever shall or may lawfully take fish while being or remaining in rivers running by, through or over such lands, except the owner or owners, possessor or possessors thereof, or persons by virtue of their leave or licence; any usage, law or custom, to the contrary in any wise notwithstanding.

Owners of lands through which rivers run, entitled to the exclusive right of fishing.

VI. *Provided nevertheless, and it is hereby declared and enacted,* That this Act or any thing therein contained, shall not extend, or be construed to extend, to the depriving of any of His Majesty's subjects within this Province, of the the liberty of taking fish, in any such place or places as the Justices of the said General Quarter Sessions shall or may from time to time appoint for that purpose; and the said Justices in every County which is now, or may be in future established in this Province, are hereby empowered and directed at their first General Quarter Session to be there annually holden, to appoint such place or places on the several rivers or streams therein, for the inhabitants in general to resort to, for the purpose of taking fish, as have heretofore been fixed on, or as shall appear to them just and necessary, and which shall be attended with the least loss, or inconvenience, to the owners or proprietors of the soil on such rivers; *and provided also,* that nothing in this Act shall extend, or be construed to extend, to any kind or species of fish from the sea except such as are particularly enumerated in the herein before recited Act.

Not to prevent any one fishing in places appointed for that purpose.

Justices in Sessions to appoint such fishing places as shall appear most convenient to owners of land on such river.

Not to extend to sea fish.

And whereas there is no Act or Law of this Province distinguishing such rivers therein as are fit and useful for the conveying down of timber, fire wood, saw mill logs, and boards, from such as are not; and whereas it is highly necessary that the same should be known and distinguished in order that persons desirous of making, or that persons who may already have made, any mill dam or other obstructions on or across certain rivers or streams should be apprised of the necessity of building or enlarging the waste gates or apertures thereof, in such manner as to admit a passage for said timber, fire wood, saw mill logs and boards, through the same:

VII. *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for the Justices in their first General Quarter Sessions to be holden in each county in this Province, and they are hereby directed, either by their own view or knowledge, or by the view or knowledge of three persons of their appointment, to distinguish such rivers or streams in their respective counties, as shall appear to them to be of public utility in respect to the furnishing or supplying of said timber, fire-wood, saw mill logs and boards; and thereupon, the said Justices shall make an order in writing therein requiring all persons who may in future make any mill dam, or other obstruction, on or across any such rivers or streams, to form in the same a waste gate or other aperture sufficient not only for the fish to pass through, but also for a convenient passage of said timber, fire wood, or saw mill logs and boards; a copy of which order the said Justices shall cause to be duly published by fixing up the same at several of the most public or frequented places in the said counties respectively, and all persons making mill dams, or other obstructions, on or across rivers or streams in this Province, so distinguished, contrary to the true intent and meaning of this Act, shall be subject to be proceeded against in the same manner, and be liable to the same distress, penalty and imprisonment, as persons are subject and liable to by this Act, in the cases herein before expressed and declared, and all such mill dams, or other obstructions, as shall appear not to be so constructed or formed as to admit a passage, as well for timber, fire wood, saw mill logs and boards, as for the several kinds of fish herein before enumerated, shall be subject to be prostrated and destroyed by virtue

Justices in their first Quarter Sessions to distinguish rivers useful for the supplying of timber, &c.

And to order all persons making a Mill Dam, &c. to form a waste gate, &c.

Penalty for persons acting contrary to this Act.

Mill Dams, &c. not so construct-

ed to be proſtrated.

virtue of ſuch proceſs; and in ſuch manner as is hereby directed in caſes of mill dams, or other obſtructions, on or acroſs rivers or ſtreams, which are not ſo diſtinguiſhed by the ſaid Juſtices in Seſſion.

Penalty not to extend to perſons who have heretofore erected Mill Dams, &c. with conſent of the people.

VIII. *Provided nevertheleſs, and it is hereby enacted*, That none of the penalties or forfeitures inflicted by this Act ſhall extend, or be conſtrued to extend, or applied to ſuch perſon or perſons who may heretofore have erected a mill dam, on or acroſs any river or ſtream in this Province, with the general conſent and approbation of the people, living or inhabiting near the ſame, and againſt the erecting of which no complaint ſhall appear to have been made to any Court having cognizance thereof, but in all caſes where a waſte gate or other aperture ſhall by the ſaid Juſtices in Seſſion, be judged neceſſary to be made in ſuch mill dams, for a paſſage to the ſaid fiſh, timber, fire wood, ſaw mill logs and boards, the ſame ſhall be done under the inſpection and direction of one or more perſons, whom the ſaid Juſtices ſhall, or may, appoint for that purpoſe, with as little damage or injury as poſſible to the owner or owners of ſaid mill dam, and at the expence of the town wherein the ſame ſhall happen to be.

Waſte Gates, &c. to be made by the direction of Juſtices when neceſſary in ſuch Mill Dams.

And whereas it is alſo highly neceſſary for the preſervation of ſeveral kinds or ſpecies of fiſh, whoſe courſe has been greatly obſtructed or diverted of late in divers parts of this Province, by the injudicious placing of ſeines and nets, in certain havens, creeks and harbours therein, to the manifeſt injury of individuals, and of the community at large; for remedy whereof:

The Juſtices to hold Special Seſſion for regulating the manner of placing nets, &c. in rivers.

IX. *Be it further enacted, by the authority aforeſaid*, That it ſhall and may be lawful for three or more Juſtices of the ſeveral Counties throughout the Province, and they are hereby directed to hold a Special Seſſion in their reſpective Counties or Diſtrict, as ſoon as may be, for the purpoſe of regulating the manner of placing nets and ſeines in all ſuch havens, rivers, creeks and harbours, therein, as they ſhall or may judge neceſſary to prevent the aforeſaid evil, and under ſuch forfeitures and penalties, as are expreſſed in the herein before recited Act, made in the third year of His Majeſty's reign. And all perſons violating ſuch orders, rules or regulations, as the ſaid Juſtices may from time to time make in their reſpective Counties, touching the premiſes, ſhall be ſubject or liable to the ſame pains, penalties and forfeitures, as perſons are ſubject or liable to, who violate or diſobey the ſeveral rules, orders or regulations, that the Juſtices in their ſaid firſt General Quarter Seſſions, to be holden annually, are impowered to make, by virtue of the ſaid recited Act; and this Act is to continue, and be in force, from the publication thereof, until the end of the year of our Lord one thouſand ſeven hundred and eighty ſeven.

Penalty for perſons violating their regulations.

Duration of this Act limited.

CAP. VIII.

This Act executed.

An ACT for applying certain Monies therein-mentioned, for the ſervices of the year one thouſand ſeven hundred and eighty-ſeven, and for appropriating the Supplies granted in this Seſſion of General Aſſembly.

CAP.

CAP. IX.

For Acts respecting the Summary Jurisdiction of Justices, see note on 5th Geo. 3d. cap. 11.

This Act continued by several subsequent Acts to 31st July, 1864.

An ACT to enable one or more Justices of the Peace to issue a Compulsory Process, in the first instance, in Civil Causes, which are by Law triable before them.

Preamble.

WHEREAS *it frequently happens, as the law now stands, that persons owing debts, under three pounds value, find means to elude payment, although able to pay or satisfy the same; for remedy whereof:*

Justice of the Peace may issue a Capias or Warrant to arrest Debtors, and hold them to bail

I. *Be it enacted by the Governor, Council and Assembly, and it is hereby enacted*, That from and after the publication of this Act, it shall and may be lawful for any Justice of the Peace within this Province, upon application made to him, and on affidavit made before him or them, of the debts due, in the manner practised in debts of greater value, to issue a capias or warrant to arrest the body of the debtor or debtors, and hold them to bail for his, or their, appearance, instead of the process by summons, as now used, and to make the same returnable forthwith, or at such period, not exceeding five days, as he or they, in his or their discretion, may judge fit, and to proceed to trial, and give judgment thereon, as in ordinary cases.

No person possessing a Freehold worth 40s. shall be arrested for a debt under 20s. or not exceeding 3l.

II. *Provided always*, That no person having a freehold estate within this Province, of the value of forty shillings by the year, shall be arrested for a debt due by him under twenty shillings, nor for any larger debt not exceeding three pounds, unless in addition to an affidavit of the debt, the party applying shall also make oath, that he verily believes that unless such compulsory process is allowed the debt due will be lost.

Duration of this Act limited.

This Act to continue in force until the thirty-first day of December, in the year of our Lord one thousand seven hundred and eighty seven.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 October, Anno Domini 1787, in the Twenty-Eighth Year of His Majeſty's Reign, being the Third Seſſion of the Sixth General Aſſembly convened in the ſaid Province.*

* In the time of John Parr, Eſq. Governor; Iſaac Deſchamps, Chief Juſtice, and Preſident of Council; S. S. Blowers, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Aſſembly.

CAP. I.

This Act altered by the 36th Geo. 3d. cap. 3.

An ACT for the further regulating the Times of holding the Interior Court of Common Pleas, for the County of Halifax.

CAP. II.

An ACT in amendment of an Act, made in the Twenty-Firſt year of His Majeſty's reign, entitled, an Act in addition to an Act, made in the Tenth year of His preſent Majeſty's reign, entitled, an Act for eſtabliſhing the Toll to be taken at the ſeveral Griſt Mills in this Province.

For Acts in amendment or addition to this Act, ſee note on 10th Geo. 3d. cap. 8.

Preamble.

WHEREAS *the Toll, as now by law eſtabliſhed, for Bolting, is found inſufficient to defray the expences of erecting and repairing proper bolting machines in the ſeveral townſhips in this Province; for remedy wherof:*

A quart of Grain allowed for bolting each buſhel.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly, and by the authority of the ſame it is hereby enacted,* That from and after the publication of this Act, each and every miller, who ſhall keep a good and ſufficient bolting machine, ſhall be allowed to receive and take at the rate of one quart out of each buſhel of grain brought to the mill to be ground and bolted, for bolting the ſame, and no more; and any miller, who ſhall refuſe to bolt, when required, or ſhall aſk, demand or take, a greater toll than is by this Act allowed, each and every miller ſo offending ſhall be ſubject to the like penalties as are expreſſed in an Act, made in the tenth year of His

Penalty for miller refuſing to bolt, or taking greater toll.

Majeſty's

Majesty's reign, entitled, An Act for establishing the toll to be taken at the several grist mills in this Province.

II. *And be it further enacted, by the authority aforesaid,* That if any miller shall refuse to grind any grain, for which his mill is prepared, the said grain being clean, dry and in good order, every such miller shall be likewise subject to the like penalties as are expressed in the above recited Act. And also for refusing to grind.

CAP. III.

An ACT for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne.

For Acts respecting this subject, see note on 33d Geo. 2d. cap. 2.

Preamble.

WHEREAS *it is necessary for the safety of the navigation of this Province, that there be a Light House erected on the Island, commonly called M^c^Nutt's Island, at the entrance of the Harbour of Shelburne, for the maintenance whereof:*

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty eight, there shall be paid by the master of every merchant vessel coming into or going out of the said harbour (other than coasters and fishing vessels belonging to the Province, and such transports or other vessels employed in His Majesty's service, as shall by their charter party be exempted from paying port charges) a duty of four pence per ton currency, for so many tons as shall appear by her register or otherwise. *Provided,* That all ships or vessels wholly belonging to any person that is a freeholder and inhabitant in this Province, shall only pay three pence per ton, the said duty to be paid before clearing the said vessel, to such person or persons, as shall hereafter be appointed, by His Excellency the Lieutenant-Governor, for that purpose, who are hereby authorised to demand and receive the same, and upon refusal of payment, to sue for, and recover the said duty, before two of His Majesty's Justices of the Peace, or in case the same shall not exceed forty shillings, before one Justice.

All vessels, except coasters, &c. to pay a duty of four pence per ton.

Vessels belonging to Freeholders in the Province to pay three pence per ton.

II. *And be it further enacted,* That no vessel shall be deemed a fishing vessel within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a coaster excepting such as shall be wholly employed within the Province.

What vessels are deemed coasters, &c.

III. *And be it further enacted,* That every coasting vessel shall pay in lieu of the said duty at the rate of twenty shillings per annum, and one shilling for every ton they may measure above twenty tons, and no more, to be received and recovered in manner as aforesaid.

Coasting vessels to pay 20s. per annum, and 1s. per ton, above 20 tons.

IV. *And be it further enacted,* That all monies arising by the aforesaid duty, shall be paid into the treasury of the Province, and be applied towards the support of the said light-house, to be issued for the said purpose, by warrant under the hand and seal of the Lieutenant-Governor, or Commander in Chief for the time being, of the Province, and in case there be more monies than is necessary for the support of the said light-house, the surplus to be applied to the uses of the Government.

Appropriation of Monies arising from this Act.

CAP.

CAP. IV.

An ACT in amendment of an Act, passed the First year of the reign of His present Majesty, entitled, an Act for the repairing and mending Highways, Roads, Bridges and Streets, &c.

For Acts on this subject see note on 1st Geo. 3d. cap. 14.

Preamble.

WHEREAS *the public roads in many parts of this Province are frequently rendered impassable during the winter, by the depth of snow, and repeated falls thereof, to the great injury of individuals, and inconvenience of the public in general; for remedy whereof:*

Surveyors of highways to order the inhabitants as often as they shall deem necessary during the winter to work on the public highways. No inhabitant compelled to work more than one day for each fall of snow.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty-eight, it shall and may be lawful for the Surveyors of the Highways in the respective townships and districts within this Province, to order and direct the inhabitants as often as they shall deem necessary during the winter, to work on the public highways with their horses, oxen and sleds, in order that the roads may be rendered passable. *Provided always nevertheless*, That no inhabitant shall be compelled to furnish more than one day's labour of himself or cattle for any one fall of snow, or where the fall or drift of snow shall not exceed the depth of twelve inches.

Penalty for such as refuse to obey, or neglect, such order.

II. *And be it further enacted*, That every inhabitant refusing or neglecting to obey such order of the overseers of highways, shall forfeit for each refusal or neglect the sum of ten shillings, to be recovered before any one of His Majesty's Justices of the Peace, and the money so recovered to be paid into the hands of the Surveyors of the Roads in the town where such offence was committed, for the use of the road within such township.

CAP. V.

An ACT for the more effectually carrying into execution the Provisions of an Act, made in the Sixth year of His Majesty's reign, entitled, an Act to prevent the multiplicity of Law Suits.

The Act, of which this is an amendment, being a temporary Act has been suffered to expire.

Preamble.

WHEREAS *the Act, entitled*, An Act to prevent the Multiplicity of Law Suits, *has been found insufficient to prevent litigious and vexatious cross actions; for remedy whereof:*

In all Actions the defendant to file his demand as an offset four days before the Sitting of the Court, or any time previous to the trial by Justice.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly, and by the authority of the same it is hereby enacted*, That in all actions commenced in any Court of Record, or brought before any Justice of the Peace, on bond, bill, note, book account, agreement in writing, or any other assumption or promise whatsoever, the defendant or defendants in such action shall file his, her, or their account, receipt or demand, as an offset against the plaintiff or plaintiffs, with the Clerk of the Court, where such cause shall have been commenced, or Justice of Peace from whom the summons or compulsory process issued, which account, receipt or demand, shall be filed at least four days before the sitting of the said Court, or at any time previous to the trial before the Justice of the Peace, and the said Court and Justice, respectively, are hereby empowered and directed on issue, joined, to enquire into the merits of both demands on trial, and to give judgment accordingly.

Provided that if for want of evidence the defendant cannot prove his demand he may afterwards bring his action.

II. *Provided always nevertheless*, That if the defendant or defendants for want of evidence, or any other unavoidable accident, shall be unable to prove and authenticate his, her or their, accounts, receipt or demand, as an offset, against the plaintiff or plaintiffs, that then and in such case, the defendant and defendants may at a future period commence and prosecute his, her, or their, action or actions, against the plaintiff or plaintiffs in the original cause within the respective

respective time, as limited by the Act of Assembly of this Province, for the limitation of actions, and for avoiding suits of law. *Provided*, He, she or they, (the original defendant or defendants) shall at the time of the trial of the first cause notify the Court, and make affidavit of the same, that he, she or they, have a just and equitable demand against the plaintiff or plaintiffs, which for want of evidence then without the jurisdiction of the Court, he, she or they, are unable to prove and authenticate.

Where Plaintiffs have had an opportunity of pleading their demand as an offset in a suit, they shall pay costs although a verdict be found for them.

III. *And be it further enacted*, That in all actions, which shall hereafter be commenced and prosecuted, and wherein it may appear to the Court, that the plaintiff or plaintiffs in such action have had an opportunity of pleading his, her, or their demand, by way of offset, by virtue of, and agreeable to this Act, that then and in such case the plaintiff or plaintiffs, although a verdict is found for him, her or them, shall pay the costs of suit, any law to the contrary notwithstanding.

CAP. VI.

An ACT in addition to, and amendment of, an Act, made in the Fifth year of His present Majesty's reign, entitled, an Act for regulating Servants.

For Acts on this subject, see note on 5th Geo. 3d. cap. 7.

Preamble.

WHEREAS *great inconveniences have arisen, and do arise, from the misbehaviour of bound and hired servants; for remedy whereof:*

Memorandum to be made in writing in all cases where a servant is hired for a longer time than a month.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, no person whatsoever within this Province, shall hire a man or maid servant, for any longer term than one month, unless a memorandum of such hiring shall be made in writing, and signed by both parties, in presence of one witness at least, who shall read and explain the same to both parties, which memorandum shall specify the period for which such servant shall have agreed to serve, and the wages or other considerations which he or she is to receive for his or her service, and all verbal agreements between master and servant for a longer period than one month are hereby declared to be null and void.

Justice of Peace on the complaint of the master to order a reasonable part of the servant's wages to be stopped for misbehaviour. Such stoppage for one offence not to exceed 5s.

II. *And be it further enacted*, That it shall and may be lawful for any one of His Majesty's Justices of the Peace, on complaint made by the master or mistress of any servant hired by him or her, either verbally or by writing, that such servant has wilfully misbehaved, to enquire into the merits of such complaint, and if such Justice shall find the same to be well founded, it shall and may be lawful for such Justice to order a reasonable part or portion of such servant's wages, or other emoluments, to be stopped in the hands of the master or mistress, provided such stoppage for any one offence shall not exceed the sum of five shillings.

And whereas drunkenness is a vice become very prevalent among the lower order of people, and especially among servants, to the great danger of the families in which they live, as well as to the great loss and injury of their masters; for remedy whereof:

Masters not to sell rum to their servants.

III. *Be it enacted*, That if any master or mistress shall sell rum, or other spirituous liquors, to any servant hired by him or her, such master or mistress shall forfeit and pay for each and every such offence, on conviction, before any Justice of the Peace, double the value of such rum, or other spirituous liquors, and it shall not be lawful for any master or mistress to stop the wages, or any part thereof, of any servant or labourer in his or her service or employment, for, or on account of any rum, or other spirituous liquors, sold to such servant or labourer, while in his or her service or employment.

All notes or other securities given by servants

IV. *And be it further enacted*, That all notes, bills, specialties, or agreements whatever, which shall hereafter be given to any person or persons whatsoever, by any servant or common labourer,

In which any part of the sum shall have been given for rum to be void.

labourer, if it shall appear, that any part of the sum due or secured by such bond, note, bill, speciality, or agreement, was given for, or on account of any rum, or other spirituous liquors, the same and every part thereof shall be void and of none effect, and all accounts or contracts on which suits shall or may be brought against any servant or common labourer, in which shall appear any charge made, directly or indirectly, for rum, or other spirituous liquors, the whole of such account or contract shall be null and void, and the party suing the same shall become nonsuit.

No tavern-keeper or retailer to buy or receive in pawn any apparel tools or furniture, on pain of paying 40s. and the bargain to be void, and the articles to be restored.

V. *And be it further enacted*, That if any tavern-keeper, or retailer, shall by himself, or any other person, buy, purchase, or receive in pawn, any wearing apparel, tools or implements of trade or husbandry, or any household goods or furniture, made up from any servant or common labourer, such tavern-keeper or retailer shall forfeit and pay for every such offence, a sum not exceeding forty shillings, and the bargain, sale or pawning, shall be *ipso facto* void, and the articles so purchased or received, be immediately restored, or double the value thereof, on pain of imprisonment, not exceeding one month, at the discretion of the Justice or Justices before whom complaint shall be made, and all persons keeping a tavern or retailing spirituous liquors within this Province, after the publication hereof, are always to keep a fair legible copy of this Act pasted or hung up in some public and conspicuous part of their house, under the penalty of ten shillings, for each and every day's neglect thereof, to be recovered before any Justice or Justices of the Peace on the complaint of any person or persons whatsoever.

Tavern-keepers and retailers to keep a fair copy of this Act pasted up in their houses, on penalty of 10s.

And whereas it is become requisite, as well to provide a more suitable punishment for persons convicted of clergyable felony, grand larceny, and other offences, as to bind out to service all vagabonds, disorderly and beggarly persons:

All disorderly persons to be apprehended and bound to service.

VI. *Be it therefore enacted, by the authority aforesaid*, That from and after the publication hereof, all disorderly and beggarly persons, who shall be found strolling in any part of this Province, and who, on examination before three of His Majesty's Justices of the Peace, shall not be able to shew any visible means, whereby he or they obtain a sober and honest livelihood, it shall and may be lawful for such Justices to commit such person or persons to the next jail, or bridewell, and to provide a master or mistress for such person or persons, and to execute an indenture or indentures in the usual form to bind such person or persons to any master or mistress, who shall appear to hire him or them, for such term of time, and on such conditions as such Justices in their discretion shall think fit, not exceeding seven years, and all persons convicted of any clergyable felony, grand larceny, or other offences, in any of His Majesty's Courts of Judicature within this Province, besides the penalty inflicted by law on such offenders may be bound out to service as aforesaid, by order of the Judges or Justices of such Court or Courts, and all persons receiving indentures from the several authorities aforesaid, shall be entitled to the entire service and labour of the person or persons so indented or bound, and all persons having servants bound to them by the authority aforesaid, or by the voluntary act of any servant, may sell or assign the unexpired term of such servant or servants, and the assignee or purchaser shall be as fully entitled to the entire service and labour of such servant as the person who assigned the same. *Provided* such assignment shall be made in the presence of, and with the approbation of, three Justices of the Peace, and security given if required, not to carry such servant out of the Province.

Persons convicted of clergyable felonies to be also bound.

And masters holding indentures of such servants may assign the same with the approbation of three Justices.

Justices in Sessions to make further regulations respecting servants.

VII. *And be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the Justices in Sessions for each and every County or District within this Province, and they are hereby directed from time to time to make further orders and regulations for the better government and more effectual correction of disobedient or refractory servants within their respective jurisdictions, and also for the apprehending all run-away servants, and conveying them to their proper masters and mistresses.

Former laws not

VIII. *And be it further enacted*, That all and every the former laws of this Province, respecting

ing masters and servants or either of them, so far as the same or any part thereof are not expressly abrogated or altered by this present Act, shall be construed to be in full force.

expressly abrogated to be continued.

CAP. VII.

An ACT for regulating the manner of issuing Process and Execution from the Inferior Courts of Common Pleas for the seve- Counties in this Province, and also for altering the Form of the Summons heretofore used.

This Act repealed by 35th Geo. 3d. cap. 1.

CAP. VIII.

An ACT in further addition to an Act, passed in the Second Year of His Majesty's Reign, entitled, an Act for appointing Firewards, and punishing Thefts and Disorders at the Time of Fire.

For Acts on this subject, see note on 2d Geo. 3d. cap. 5.

WHEREAS *the town of Halifax is often in great danger of being burned, by reason of the inhabitants neglecting to sweep and keep clean their chimnies; for remedy whereof:* Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the publication hereof it shall and may be lawful for the Firewards in the said town to nominate and licence fit and proper persons to be sweepers of chimnies, and no person or persons shall presume to follow such occupation or employment, unless he shall be appointed and licensed for that purpose by the Firewards, on pain of being sent to the house of correction, and there punished as a vagabond. Firewards of Halifax to appoint Chimney Sweepers.

II. *And be it further enacted*, That it shall and may be lawful for the Firewards in said town to make orders and regulations respecting the sweeping of chimnies in each ward, and to direct the same to be done once a month at farthest, and oftener if they shall think proper. And in case any fire or fires shall happen in any house or chimney within said town, so as to alarm or endanger said town, or the houses and buildings in the neighbourhood of such fire, and the occupants or occupant of the house or building, where such fire or fires shall happen, cannot make it appear that the chimney or chimnies of such house or building, has been swept according to the rules and directions of the Firewards, by some licensed sweeper, he, she or they, shall forfeit and pay a fine of forty shillings, to be recovered on the complaint of any one of the Firewards in said town, before any Justice of the Peace for the County of Halifax; to be levied, by warrant of distress, on the offender's goods and chattels, and, for want thereof, on his body, and to be paid into the hands of such Fireward, to be by him applied to the repair of the fire engines, or water buckets, or such other necessary uses as the safety of the town, from fire, may require; and any Fireward refusing or neglecting to give information, or to make complaint in such case, shall forfeit and pay five pounds, to the use of the poor of said town, to be recovered before the Justices in Sessions for the County of Halifax, on the complaint of any inhabitant of said town, being a freeholder or housekeeper. Firewards to make orders respecting sweeping chimnies. Occupant of any house liable to pay 40s. for the chimney catching fire, if not regularly swept. And Firewards neglecting to give information to forfeit 5l.

III. *And be it further enacted*, That it shall any may be lawful for any three of the Firewards, on view of any chimney, stove, pipe or smoke funnel, in said town, which they may deem to be dangerous, and insufficiently built, or secured, to prevent the risk of fire, to order the same to be removed, altered or repaired as they may direct, within twenty-four hours, or such reasonable time, whether longer or shorter, as they may think proper to allow. And if the occupant or occupants of such house or building, in which such chimney, stove, pipe or funnel, shall be placed, Chimney, stove pipe or funnel to be taken down or altered, if dangerous.

placed, shall neglect to remove, repair or secure, the same as directed, it shall and may be lawful for such Firewards to apply to any one of His Majesty's Justices of the Peace within said town, and to three or more freeholders there, to view and examine the same. And in case such Justice, and every three of such freeholders, shall agree in opinion with said Firewards, that such chimney, stove, pipe or funnel, is likely to endanger the said town, or any building in it; and the owner or occupant of the house, or building, where the same is, or shall be, placed, shall not then give to such Firewards good and sufficient security to alter, repair or remove, the same, as they shall direct, it shall and may be lawful for such Justice to order the same to be immediately removed or prostrated, as a common nuisance, and to issue a warrant of distress to seize and sell at public outcry so much of the goods and chattels of such owner or occupant, as shall be sufficient to defray the expence of the removal or prostration of such nuisance.

Persons neglecting to remove them when ordered by Firewards a Justice of Peace may order them to be prostrated as a nuisance.

IV. *And be it further enacted*, That the Justices of the County of Halifax shall and may, from time to time, make rates or assessments on the inhabitants of the said town of Halifax, for purchasing, and keeping in good order and repair, one or more fire engines, for the use of said town, to be kept in such part or parts of said town, under the direction of the Firewards, as shall by them be deemed most convenient; the said rate or assessment to be levied and collected in the manner the poor rates in said town are now levied and collected, and under the like pains and penalties.

Assessment to be made for the purchase of Fire Engines for the use of the town.

V. *And be it further enacted*, That not more than twenty-five pounds of powder shall be kept, at any one time, in any one house, shop or building, in said town of Halifax, which powder shall be kept in a tin canister with a close cover. And it shall and may be lawful for any three of the Firewards to seize as forfeit for the use of the Poor of said town, and to sell at public outcry any greater quantity of powder found by them, or either of them, contrary to this Act. And also order and direct any person or persons inhabitants of said town to remove from his or their house, shop or building, any hay, shavings or combustible materials, which they the said Firewards shall find so kept, placed or stored, as in their opinion to endanger the safety of such house, shop or building, or any other building in said town. And if any occupant or owner of such house, shop or building, his or their agent or factor, shall refuse or neglect for twenty-four hours, after notice given, to remove such hay, shavings or combustible materials, the said Firewards are hereby empowered to seize and apply the same to the use of the poor of said town, as in case of a seizure of powder.

Not more than 25 pounds of powder to be kept in any house or shop at one time.

Materials in any any house, deemed dangerous, to be removed in 24 hours or forfeited.

CAP. IX.

An ACT to prevent the circulation of base and counterfeit Half Pence, and other Copper Coin, and to establish the current value of English Crowns, Half Crowns and Shillings, in this Province.

Preamble

WHEREAS *great quantities of base metal under the denomination of half pence have been imported in this Province, and are daily used in payment, to the injury of merchants and others; for remedy whereof:*

No coin to be vended or offered in payment, but such as is legal.

I. *Be it enacted by the Lieutenant-Governor, Council and House of Assembly*, That from and after the publication of this Act, no person or persons whatsoever shall import, vend, or knowingly and wittingly offer in payment, or circulate, any half pence or other copper coin other than Tower half pence, or such copper coin as may and do legally pass current in Great Britain or Ireland, on pain of forfeiting such base half pence and coin, and paying for the use of the poor of the town where such offence shall be committed, a sum not exceeding double the amount or nominal value, of such base half pence and copper coin, so imported, vended, offered,

On pain of forfeiting the same, and double the value thereof.

offered in payment, or circulated as aforesaid, to be recovered on information before any two of His Majesty's Justices of the Peace, within the Town or County where such offence shall be committed.

II. *And be it further enacted*, That in future each and every English crown shall pass current at five shillings and six pence, and every such half crown at two shillings and nine pence, and every such shilling at thirteen pence, and so in proportion for the lesser divisions of such coin. English crowns to pass at 5s. 6d. half crowns at 2s. 9d. and small coin in proportion.

CAP. X.

This Act, save such parts of it as were executed is repealed by 37th Geo. 3d. cap. 1.

For other Acts respecting public buildings, see 30th Geo. 3d. caps. 4 and 10. 37th Geo. 3d. cap. 1. 39th Geo. 3d. cap. 9. 40th. Geo. 3d. cap. 4.

An ACT for enabling Commissioners to make Sale of the Public Buildings therein named, for Public Uses, and to erect on the lower Parade in the Town of Halifax, a commodious Building, and also to provide or build a Common Jail.

CAP. XI.

This Act repealed by 39th Geo. 3d. cap. 1. sec. 15.

An ACT, in amendment of an Act for establishing a public Market, at the Market House in Halifax, and for regulating the same.

CAP. XII.

This Act executed.

An ACT for the relief of ROBERT APPLEBY, an Insolvent Debtor.

CAP. XIII.

Expired.

An ACT to raise a Sum of Money to repair the Public Road leading from Halifax to Windsor, and to cause the Proprietors of Lands on each side said Road to settle the same more expeditiously.

CAP. XIV.

Expired.

An ACT for continuing in Force the several Acts herein after mentioned.

CAP. XV.

An ACT for the establishment of Fees, as regulated by the Governor and Council, at the request of the House of Assembly.

Preamble.

WHEREAS *the Fees to be taken by the different offices in this Province for services by them respectively to be done, are not sufficiently ascertained; to regulate and establish them in future, and prevent any undue exactions or exorbitant demands, touching the same:*

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That no officer or other person, No officer or o-

ther perſon to take any greater fee, &c. than is herein allowed and eſtabliſhed.

perſon or perſons whatſoever for any ſervice or ſervices by him or them to be done and performed in their reſpective offices herein after mentioned, for any fee, perquiſite or other reward, ſhall exact, demand or receive, any greater or other fee or fees, ſum or ſums of money, than is, or are, herein after ſet down, allowed and eſtabliſhed, for the ſame, that is to ſay:

Judge of Probate's Fees.

Judge of Probate's fees.

For probate and regiſtering a will, adminiſtration or letter of guardianſhip, each, Twenty ſhillings.
Citation and ſervice, Three ſhillings.
Letters ad collegendum, Ten ſhillings.
Decree for diſtribution, Twenty ſhillings.
Warrant of appraiſement, Five ſhillings.

Regiſter's Fees.

Regiſter's fees.

For probate and regiſtering a will, adminiſtration or letter of guardianſhip, each, Twenty ſhillings.
Drawing bond, Three ſhillings.
Attending execution of ditto, Two ſhillings and ſix pence.
Letters ad colligendum, Ten ſhillings.
Citation and ſervice, Three ſhillings,
Filing inventory, accounts, &c. One ſhilling.
All ſearches, One ſhilling.
Copy of will and probate, per ſheet ninety words, Nine pence.
Collating, Five ſhillings.
Copying inventory accounts, per ſheet, ninety words, Nine pence.
Certificate and ſeal, Six ſhillings and eight pence.
Decree for diſtribution, Twenty ſhillings.
Copy of citation, Three ſhillings and four pence.
Warrant of appraiſement, Five ſhillings.
Every exhibit, Four pence.

Juſtices Fees, Common Pleas.

Juſtices fees, Common Pleas.

Entering every cauſe, firſt Juſtice, Two Shillings and ſix pence.
Entering every cauſe, aſſiſtant Juſtices, each, One ſhilling.
Every cauſe tried, and final judgment, firſt Juſtice, Six ſhillings.
Every cauſe tried, and final judgment, aſſiſtant Juſtices, each, Three ſhillings.
Summary cauſe, the whole Court, Five ſhillings.
Taxing bill of coſts, One ſhilling.
Taking bail at his own chambers, Two ſhillings.

Juſtices Fees.

Juſtices Fees.

Iſſuing writ or ſummons, Two ſhillings and ſix pence.
Subpœna, Six pence.
Judgment, One ſhilling.
Execution, One ſhilling.
Every bond or recognizance, One ſhilling.
Every affidavit in writing, One ſhilling.
Sending proceedings to Inferior or other Courts, One Shilling.

Warrant

Warrant in treſpaſs, aſſault in battery, on conviction of the offender, One ſhilling.
Acknowledging inſtrument or deed, One ſhilling.
Every examination in aſſault in battery, on conviction of the offender, Two ſhillings and ſix pence.

Clerk's Fees in the Supreme Court.

Entering action, filing oath, warrant and Præcipe, the whole, Two ſhillings and ſix pence
Sealing and ſigning every writ, execution, or other proceſs, One ſhilling. Clerk's Fees in the Supreme Court.
Filing every writ, and entering return, Six pence.
Filing declaration, and all other pleadings, Six pence.
Entering appearance, One ſhilling and ſix pence.
Entering and filing every rule of Court, Six pence.
Copy of every rule when given by clerk, Six pence.
Swearing and impannelling jury, One ſhilling.
Swearing each witneſs or conſtable, Six pence.
Taking and entering verdict, One ſhilling.
Entering judgment, Two ſhillings.
A retraxit, or diſcontinuance, Six pence.
Copies of all records, or pleading, each ninety words, Six pence.
Every exhibit in a cauſe filed in Court, Four pence.
Attending ſtriking ſpecial jury, and copy of pannel to be given to each party, Five ſhillings.
Taking affidavit in Court, One ſhilling.
Filing affidavit, each, Six pence.
Searching the records, Six pence.
Entering every default, Six pence.
Entry confeſſion, leaſe entry and ouſter, One ſhilling.
Taking and filing ſpecial bail piece, One ſhilling.
Drawing and taking every recognizance, One ſhilling.
Entering every non ſuit, Six pence.
Sealing and ſigning ſubpœna, One ſhilling.
Continuance of every cauſe, One ſhilling.
Filing the roll in every action, One ſhilling.
Taxing every bill of coſts, One ſhilling.
In every ſummary cauſe not tried by a Jury, in lieu of all other fees, including ſigning and ſealing writ, together with the final judgment, Five ſhillings.
Writs of partition, writs of certioraries, and writs of error, the fees of the clerk to be as above ſtated, and none other.

Clerk of the Peace, his Fees.

Drawing an indictment, if found, Two ſhillings and ſix pence.
Every trial and judgment, Two ſhillings and ſix pence.
Every ſubmiſſion, Two ſhillings and ſix pence.
Concordatum Fee, One ſhilling and ſix pence. Clerk of the Peace his fees.
Every petition, and proceedings thereon, Two ſhillings and ſix pence.
Every cauſe continued by traverſe, or otherwiſe, One ſhilling.
Every preſentment proceeded on, to be paid by the delinquent, Three ſhillings and four pence.
Certificate of adminiſtering the State oaths, One ſhilling.
Warrant from the Court, One ſhilling.
Every recognizance, each perſon, One ſhilling.
Diſcharging a recognizance, One ſhilling.

Attornies'

Attornies' Fees.

Attornies' fees.

For writ, præcipe, affidavit and declaration, Eleven shillings and eight pence.
In all summary causes that do not go to a jury, for all other proceedings until final judgment, Eight shillings and four pence.
Retaining fee, in each cause, above 20l. Ten shillings.
Drawing affidavit of debt, One shilling and six pence.
Every writ, summons or other original process, Five shillings.
Term fee, Five shillings.
Every declaration, not containing more than three sheets, at ninety words each, Five shillings.
Copy for service and filing each, Two shillings and six pence.
Every common plea, replication or rejoinder, One shilling.
Copy for service and filing each, Nine pence.
Drawing every special declaration, plea, replication, rejoinder or other necessary pleadings, each ninety words, One shilling.
Copy to file and serve, every ninety words, Six pence.
Drawing brief, Five shillings,
Each copy for Council, Two shillings and six pence.
Notice of trial copy, and service, Three shillings and six pence.
Notice of taxing costs, Two shillings and six pence.
Drawing notice of exceptions to bail copy and service, Three shillings and six pence.
Every continuance, One shilling.
Every discontinuance, or retraxit, One shilling.
Attending, ballotting, or striking special jury, Ten shillings.
Attending taking every inquisition before Sheriff, Ten shillings.
Making bill of costs, Two shillings and six pence.
Attending to get same taxed, Two shillings and six pence.
Arguing a demurrer, special verdict on motion for new trial or other special motions, Ten shillings.
Trial fee, Twenty shillings.
Drawing common rule in ejectment, Three shillings.
Copy, Two shillings.
All other rules and copies, each, One Shilling.
Every subpœna, Two shillings.
Every ticket and service, Two shillings and six pence.
Travel per mile for service, the same as to Sheriff.
Every execution, venditioni caponas, Ven. Fa. Habeas Corpus, writ of error, writ of possession, writ of haben facias, and writ of enquiry, each, Six shillings.
Making up issue, every ninety words, Six pence.
Copy for service, every ninety words, Six pence.
Making up records, every ninety words, Six pence.
Engrossing the same, every ninety words, Six pence.
All other drafting and copying necessary to be done by an Attorney in the conducting of a cause, to be paid for, for every ninety words, Six pence.

Plaintiffs and defendants, if judgment in their favour, to have their costs; cost also allowed on a retraxit, or discontinuance.

II. *Be it further enacted, by the authority aforesaid*, That in all causes wherein judgment shall hereafter be given for the plaintiff or plaintiffs, all fees which shall be paid, due, owing or payable by such plaintiff or plaintiffs by virtue of this Act shall be taxed against, and shall be paid by, the defendant or defendants in such cause or causes, and that in all causes which shall be instituted, and not prosecuted to final judgment, or which shall be retracted or discontinued without leave of the Court, where the same shall be instituted, or the consent of the defendant, or wherein judgment

judgment shall be given for the defendant or defendants, all fees, costs and charges, which shall be paid, due, owing or payable by such defendant or defendants by virtue of this Act, shall be taxed against, and shall be paid by, such plaintiff or plaintiffs.

III. *Be it further enacted, by the authority aforesaid*, That none of the fees by this Act allowed for attornies, shall be taxed for, or allowed to, any but sworn attornies, regularly admitted into the Court wherein any cause shall be instituted or tried, and in no cause or causes wherein an attorney is not really employed, and for no other services than such as he shall actually do and perform in such cause. None but sworn Attornies to have fees, and only for services actually done by them.

Sheriff's Fees.

Serving every original process, Two shillings and six pence.
Travel per mile to be computed from the Court-house where the process is to be returned, Three pence.
Bail bond, Three shillings.
Summoning a Jury in each cause, Two shillings and six pence.
Execution under 40l. per pound, Nine pence.
From 40l. to 100l. do. Six pence.
Above 100l. Four pence.
Every deed, Five shillings.
Serving writ of possession, Ten shillings.
Serving scire facias and return, Three shillings.
Returning Special Jury, Ten shillings.
Bringing up a prisoner by habeas corpus, Five shillings.
Executing writ of enquiry, summoning Jury and return, Ten shillings.
Attending prisoner before Judge, on any special occasion, Three shillings and six pence.
Every member returned duly elected to serve in General Assembly, in lieu of all other expences to be paid out of the Treasury, Thirty shillings.

Sheriff's fees.

For further regulation of Sheriff's fees, see 35th Geo. 3d. cap. 1. and the temporary Act, 40th Geo. 3d.

Juror's Fees.

For every cause tried, each Juror, One shilling.
Fees for attending on a view, to be taxed at the discretion of the Court.

Juror's fees.

Witnesses Fees.

For attendance per day at Court, Two shillings and sixpence.
Travel per mile, Three pence.
All Clerks fees in the Inferior Court of Common Pleas to be the same as the Clerk's fees in the Supreme Court, and to be taken for services actually performed, and none other.

Witnesses fees.

Clerk's fees in the Inferior Court to be the same as the Clerk of the Supreme Court.

Cryer's Fees.

For every default or non suit, Four pence.
Calling Jury in each cause, Six pence.
Every verdict, Four pence.
Swearing every witness, Three pence.
Every one discharged by proclamation, Six pence.

Cryer's fees.

Constables Fees.

Attending a Jury in each cause, One Shilling.
Serving every warrant or summons, One Shilling.

Constables fees.

Summoning

Summoning a Jury by warrant from Coroner, and attendance per day, Two ſhillings and ſix pence.

Travelling per mile, the ſame as the Sheriff, Three pence.

Clerk of the Aſſembly's fees, in private affairs.

Clerk of the Aſſembly's fees.

Reading and entering every petition, or other inſtrument in writing, One Shilling.

Reading every private bill each time, Six pence.

The peruſing an Act, or one day's minutes, One ſhilling.

Entering every order, Six pence.

Entering a report in the Journals of the Houſe, Nine pence.

Engroſſing every private bill, per ſheet, ninety words, Nine pence.

The Clerk of the Aſſembly's Fees to be taxed by the Speaker, provided no bill be called private which concerns counties, towns or precincts.

Coroner's Fees.

Coroner's fees.

Reſpecting Coroner's fees, ſee the 19th ſec. of the Appropriation Act, the 41ſt Geo. 3d.

For ſerving a writ, ſummons or execution, and travelling charges, the ſame as allowed the Sheriff.

Taking an Inqueſt to be paid out of the deceaſed's eſtate, Twenty ſhillings.

And if no eſtate to be paid by the ſeveral counties where the inqueſt is taken.

Coroner's allowed 20s. to for the expences of burying deceaſed if he has not any goods.

And wherever a Coroner ſhall take an inqueſt and the deceaſed ſhall have left no goods or effects to diſcharge the expences of burying, the Coroner ſhall bury him, and ſhall be paid twenty ſhillings for the ſame, out of the treaſury of the Province, *provided* the interment is certified by the Juſtices in Seſſion to have been decently performed.

Clerk to examine and compare bills and to certify the ſame, and no bill to be charegd until allowed by a Judge.

IV. *And be it further enacted, by the authority aforeſaid*, That the Clerk of the Court where any cauſe ſhall be brought, ſhall examine and compare all bills of coſt, that it contains no other or greater fees than is allowed by this Act, and before any ſuch bill or bills of coſt, ſhall be charged againſt the plaintiff or defendant, the ſaid bill ſo certified ſhall be allowed and ſigned by one of the Judges of the Court in which ſuch cauſe was brought.

Attornies to draw up the particulars of bills of coſt and to file a copy of taxed bill in the Clerk's office.

V. *And be it further enacted, by the authority aforeſaid*, That at all times hereafter when any attorney ſhall receive the coſts due on any actions he ſhall (if thereto required by the perſon paying the ſame) at the time of payment, or at any time when demanded within ſix months, draw up the bill of particulars and deliver the ſame to the party who has paid, with a receipt, and before he ſhall iſſue executions in any cauſe he ſhall file a copy of the ſaid taxed bill of coſts in the Clerk's office of the Court out of which ſuch execution ſhall iſſue; and in caſes where executions iſſue out of the Supreme Court he ſhall firſt file the judgment-roll in the proper office and ſhall upon the execution endorſe the real debt due.

Judgment-roll to be filed before execution iſſues.

Any perſon taking greater fees than herein allowed to forfeit 10l.

VI. *And be it further enacted, by the authority aforeſaid*, That if any officer or officers, perſon or perſons whomſoever, ſhall exact or take any greater or other fees, in reſpect of any of the ſervices herein before mentioned, than are aſcertained or allowed by this Act, he or they ſo offending ſhall, for each offence, forfeit the ſum of ten pounds: one half thereof to the uſe of our Sovereign Lord the King, his heirs and ſucceſſors, for and towards the ſupport of the Government of this Province, and the other half to any one who ſhall ſue for the ſame to effect; to be recovered by action of debt, bill, plaint or information, in any Court of Record within this Province, with full coſts of ſuit, and the party ſo offending ſhall further pay double the amount of the exceſſive fees [illegible] the party aggrieved.

Proſecutions to be brought in the County within ſix months.

VII. *Provided alwa[illegible]* That all actions, proſecutions and ſuits, for the forfeitures and penalties incurred by virtue of this Act, ſhall be brought and commenced in the county where the

the offence was committed, and within six months from the time the offence or offences were committed, and not otherwise.

CAP. XVI.

An ACT for applying certain Monies therein-mentioned, for the services of the year one thousand seven hundred and eighty-eight, and for appropriating the Supplies granted in this Session of General Assembly.

This Act executed.

CAP. XVII.

An ACT to enable WINKWORTH TONGE, of Windsor, in the County of Hants, Esq; to dispose of certain parts of his Estate by Lottery.

This Act not approved of by His Majesty.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 Fifth Day of March, Anno Domini 1789, in the Twenty-Ninth Year of His Majesty's Reign, being the Fourth Session of the Sixth General Assembly convened in the said Province.*

* In the time of John Parr, Esq. Governor; Richard Bulkely, President of Council; Richard John Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for the better regulation of Elections.

For Acts in amendment of this Act see 32d Geo. 3d. cap. 8, and 37th Geo. 3d. cap. 3.

Repealed in 1817.

BE *it enacted by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted by the authority of the same,* That from and after the publication hereof, every Sheriff or other officer to whom any writ for electing a Member or Members to serve in the General Assembly of this Province, shall be directed, upon receipt thereof shall forthwith give public notice of

Advertisment to be published twenty days previous to any election.

any Election.

the day and place of the election, by putting up advertisements, at least twenty days before the time of such election, at three of the most public places in their County, and shall at the time appointed at the County Court House, if the election be held for the County, and at the usual and accustomed place, if held for a Township, between the hours of ten and twelve in the morning, proceed to the election by reading his writ, and shall not declare the choice upon the view, nor adjourn from that to any other place, without the consent of the Candidates, nor by any unnecessary adjournment, delay the election, but shall, if a poll be required, fairly and indifferently proceed from day to day, and time to time, to take the poll, until all the Electors, then and there present, be polled, and before the Sheriff shall close the poll so opened, unless with the consent of the Condidates, he shall make proclamation for the Freeholders to come forward and give their votes; and if after such proclamation made, no Freeholders shall appear to vote for the space of one hour, the poll shall be closed, and the Sheriff, after reading his writ, and before he opens the poll, shall appoint two respectable Freeholders to be his assistants in conducting the election, who shall be sworn to the faithful and impartial discharge of their duty, and the Sheriff, at the close of the poll, shall declare the person, having the majority of votes, to be duly elected; and in case a scrutiny shall be demanded, the Sheriff shall grant the same, and shall, with his two assistants, proceed in such scrutiny, if the party demanding the poll shall persist in his demand, the day following the close of the poll. *Provided always*, That no vote shall be scrutinized, but such vote or votes as were excepted to at the time of holding the poll, and marked as such on the poll book, and the Sheriff shall return his proceedings on such scrutiny to the House to be adjudged on and determined, and the Sheriff or other officer as aforesaid, is hereby directed and commanded to appoint one Clerk and one Inspector, for each Candidate, who shall be nominated by the Candidates respectively, which Clerks shall be sworn by the Sheriff or other officer, to take the poll fairly and indifferently, by setting down the names of the Electors, and the place of their abode, and the person they give their vote for, and the Sheriff, or other officer, shall give a copy of the poll to every person that shall desire the same, he paying reasonable fees for writing the same; and if any Elector be questioned as to his qualification by any Candidate, the Sheriff, or other officer, shall administer to him the oath of allegiance, as prescribed by law, and shall likewise administer the following oath:

No votes for one hour the poll to be closed.

Two Freeholders appointed to assist the Sheriff.

The Clerks to be sworn who take the Poll.

The Oath of Allegiance.

"I do swear that I am, by law, entitled to vote in the town or county of in the Province of Nova-Scotia, and that the lands, tenements or hereditaments, for which I claim a right to vote, consist of and are situate, lying and being, in and the same hath or have not been made or granted to me fraudulently, on purpose to qualify me to give my vote, and that I have not received or had by myself or any person whatever, in trust for me, or for my use and benefit directly or indirectly, any sum or sums of money, office, place, or employment, gift or reward, or any promise or security for any money, office, employment or gift, in order to give my vote at this election, and that I have not before been polled at this election, and that the place of my abode is at So help me God."

The Voters oath

Or if Quakers, the test or affirmation to the same effect, and all fraudulent conveyances of land, to multiply votes, or to qualify voters at elections, subject to an agreement to re-convey the same, shall be taken against the grantors, as free and absolute, and all collateral securities for defeating such estate shall be void, and the person making such conveyances or voting by colour thereof, shall forfeit ten pounds, to any person that will sue for the same, in any Court of Record in this Province, one half part thereof to any person or persons who shall prosecute the same to effect, and the other moiety to, and for the use of, the poor of the township concerned in such election.

If a Quaker, his affirmation.

II. *And be it further enacted, by the authority aforesaid*, That each person hereafter to be chosen

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a Member of Assembly, and each Elector at the time of giving his vote in any election, hereafter to be held in this Province, shall actually have an income of forty shillings per annum, in real estate, or shall have within the county or town for which he votes, or shall be elected for in his own right in fee simple, a dwelling house, with the ground on which the same stands, or one hundred acres of land cultivated or uncultivated; such person or persons, possessing any one of the before mentioned interests shall be entitled to vote or be elected for the county or town wherein the same shall be situate, and persons holding any of the before-mentioned possessions by licence of occupation under the Crown, shall have a right to vote, notwithstanding any defect in such mode of conveyance.

If a fraudulen conveyance, to forfeit 10l. half to Province, half to the Poor.

Each Voter to have an income of 40s. per ann. from landed property.

III. *And be it further enacted, by the authority aforesaid*, That every Sheriff, or other officer, to whom the execution of any writ for the electing any member or members to serve in the General Assembly of this Province shall be directed, and that act contrary or otherwise than by this Act is directed, or shall return any person or persons not duly elected by the majority of the freeholders, every such officer shall forfeit the sum of two hundred pounds, one third part thereof to the King, His heirs and successors, one third part to the poor of the county or township concerned in such election, the remaining third part thereof to the party grieved that will sue for the same, with costs of suit, to be recovered in any Court of Record in this Province, by action of debt, bill, plaint or information.

Sheriff making false return to forfeit 200l.

Appropriation of fine.

IV. *And be it further enacted, by the authority aforesaid*, That any person or persons who shall at the request of any candidate, at any future election, furnish any meat, drink, or entertainment of any kind, during such candidate's election, to any freeholder, or body of freeholders, or to any other description of people, such person or persons so furnishing the same shall be totally disabled and prevented from recovering from such candidate, or from any of his friends, any reward or payment whatsoever for such entertainment, or any part thereof; and if any person or persons shall sue any candidate, or any of his friends, for the whole or any part of the expences of such entertainment, it shall and may be lawful for the Judges of the Court wherein such suit shall be brought (on due proof being made that such demand arises for and on account of the entertainment of the freeholders, at or during any election in this Province) to order the party bringing such suit, to be nonsuited, and to enter judgment accordingly. *Provided always*, That nothing herein contained shall extend to prevent any person or persons from recovering from any individual person the value of such entertainment as he or they may, during an election, furnish, or provide for such individual person for his own use and at his own special instance and request.

Expence of entertaining voters for any candidate not recoverable by law.

Expence of entertainment, furnished any individual during an election, recoverable.

V. *And be it further enacted, by the authority aforesaid*, That any person or persons who shall bribe or corrupt any freeholder or freeholders at any election within this Province, such person or persons so offending shall suffer all the penalties prescribed by the laws of England for such offences.

Bribing of Freeholders.

VI. *And be it further enacted, by the authority aforesaid*, That the Sheriff, or his deputy, at the opening the poll each day, shall read this Act, and no other oath, save as herein before directed, shall be required from any voter at any election hereafter to be held in this Province, nor shall any religious test be required from such voter, liberty of conscience being one amongst many other blessings conferred on this Province, by our Most Gracious Sovereign.

This Act to be read each day of Polling.

VII. *And be it further enacted*, That the poll for any one election shall not be kept open more than six days, after which time it shall and may be lawful for the Sheriff to close it, and return the Candidate who shall then have the majority of votes; and that for each day the poll shall be kept open the Sheriff shall be entitled to receive from each Candidate the sum of ten shillings, to be recovered by action of debt before any one Justice of the Peace for the county in which the election shall be held, and if a scrutiny is demanded, twenty shillings for his

The Poll to continue but six days

Allowance to the Sheriff.

his attendance on it, each day, to be paid by the Candidate demanding it, and to be recovered as aforesaid.

CAP. II.

This Act altered by 32d Geo. 3d. cap. 9.

An ACT for altering the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the District of Colchester.

CAP. III.

This Act altered by 37th Geo. 3d. cap. 5.

An ACT for altering the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney.

CAP. IV.

An ACT for founding, establishing and maintaining, a College in this Province.

Preamble.

WHEREAS *the permanent establishment and effectual support of a College at Windsor, may, by the blessing of God, become of the greatest public utility to this Province, and to His Majesty's neighbouring Colonies:*

Annual allowance for the College.

Chargeable on the duties on sugar, and, if insufficient, on other articles.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That a sum not exceeding four hundred and forty four pounds, eight shillings and ten pence half penny, current money of Nova-Scotia, equal to four hundred pounds, sterling money of Great-Britain, shall be yearly, and every year granted, allowed and paid by, from, or out of, such monies as may from time to time be collected and paid into the public Treasury of this Province from the duties imposed, or to be imposed, on brown, and loaf or refined, sugars; and in case such duties are not sufficient to answer the said sum at the days and time of payment thereof; then by, from, or out of any other aids, supplies or taxes not otherwise specially appropriated to other uses; which sum of four hundred and forty four pounds, eight shillings and ten pence halfpenny, shall be drawn by warrant, under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the Provincial Treasurer in the way usually practised in equal quarterly payments; the first quarter to commence the first of January, one thousand seven hundred and eighty nine, and to be drawn for on the first of April, and so on from quarter to quarter, as the same shall grow due, on the requisition of the Governors of the said College, or the major part of them, as herein after appointed, for or towards the maintenance and support of the said college, and the payment of the salaries of the President and Professors to be by them appointed.

Governors of the College.

II. *And be it further enacted, by the authority aforesaid,* That the Governor and Commander in Chief of the Province of Nova-Scotia, for the time being; the Lieutenant-Governor, for the time being; the Bishop of Nova-Scotia, for the time being; the Chief Justice, for the time being; the Secretary of the Province, for the time being; the Speaker of the House of Assembly, for the time being; His Majesty's Attorney General, for the time being; and His Majesty's Solicitor General, for the time being, shall be Governors of the said college.

III.

III. *And be it further enacted, by the authority aforesaid*, That for the better management and regulation of the said college, and the more full and complete executing the purposes of this Act, the said Governors, hereby appointed, shall be a body politick and corporate in deed, and name, and have succession for ever by the name of "The Governors of King's College of No-"va-Scotia." and by that name shall sue, and be sued, implead and be impleaded, in all Courts and places within the Province of Nova-Scotia; and they, or the major part of them, shall have power to have and use a common seal, to be appointed by themselves, and to make bye laws and ordinances for the regulation and general management of the said college, and to assemble together, when and where, and as often, and upon such notice as to them shall seem meet, for the execution of the trust hereby reposed in them; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said college, and the purposes of this Act, as well goods and chattels, as lands, tenements and hereditaments, any law or statute to the contrary thereof notwithstanding.

Incorporated by the style of "The Governors of King's College of Nova-Scotia."

Governors to make laws, use a common seal, & to purchase, or receive, for the use of the College Goods & Lands

IV. *And be it further enacted, by the authority aforesaid*, That the Governors of the said college, so appointed and incorporated by this Act, or such major part of them, at any general meeting assembled, shall from time to time, and as they shall think fit, make and establish such statutes, rules and ordinances, for the instruction, care and government, of the students, and for the care and preservation of the books, furniture and other property, belonging to the said college, as to them shall seem meet, and shall and may in like manner nominate and appoint the President and Professors (the President always to be a clergyman of the established Church of England, duly qualified for that office,) to whom the tuition of the students in the said college shall be committed; and also to appoint such Officers and Servants from time to time, as the said Governors, or such major part of them, may think necessary, and assign to them respectively out of the said sum of four hundred and forty four pounds, eight shillings and ten pence halfpenny, annually granted by this Act, such salaries and allowances as they shall think fit, and shall and may in like manner suspend or remove the President, Professors, Officers and Servants, or any or either of them, for misbehaviour or neglect of duty; and no President, Professor, Officer or Servant of the said college, unless in cases of sickness, shall absent themselves from their respective duties, without the express leave of the Governors, or the majority of them, who are hereby authorized to appoint a deputy or deputies to fill the office of such President or Professor in such cases, and to appropriate a part or the whole of the salary of the President or Professor, absent as aforesaid, for the payment of such deputy.

Duty of the Governors.

Appointment of Professors,

No Professor, or servant, to absent himself without leave.

V. *And be it further enacted, by the authority aforesaid*, That besides the four hundred and forty-four pounds, eight shillings and ten pence half penny, hereby annually granted for the purposes of the said college, it shall and may be lawful for the Governor, or Lieutenant Governor and Commander in Chief, at the requisition of such major part of the Governors of the said college, to draw by warrant from the Treasury of this Province, a sum not exceeding five hundred pounds, to enable them to purchase such house, lot of ground and premises, in the township of Windsor as they may chuse and think requisite, and proper, for the purpose of founding and establishing of such college.

Grant of 500l. to purchase a house &c. in Windsor, for the College.

VI. *And be it further enacted*, That it shall and may be lawful for the said Governors to provide a person, well and sufficiently qualified, to act as a temporary President, and also a person or persons, well and sufficiently qualified, to act as temporary Professors, who shall be immediately employed in the education of youth; and the said Governors shall and may continue to apply such parts or shares of the said sum, herein before granted, for the payment and support of such temporary establishment, until a sufficient building shall be erected, and a charter obtained from our Most Gracious Sovereign to authorize the opening of such college in due form.

Governors to provide a temporary President or Professors, until a sufficient building be erected, and a Charter obtained from His Majesty.

CAP.

CAP. V.

An ACT for eſtabliſhing the Times of holding an Inferior Court of Common Pleas, and General Seſſions of the Peace, in the Townſhip of Yarmouth.

For Acts in amendment of this Act ſee 36th Geo. 3d. cap. 5.

Preamble

WHEREAS *the want of roads, and the diſtance between the townſhip of Shelburne, and townſhips of Yarmouth and Argyle, in the county of Shelburne, renders it inconvenient for the inhabitants, reſident in ſaid townſhips, to attend at the Inferior Court of Common Pleas, and at the General Seſſions of the Peace, held at Shelburne; for remedy whereof:*

Time of holding the Inferior Court at Yarmouth.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That an Inferior Court of Common Pleas, and a Court of General Seſſions of the Peace, ſhall and may be kept and held within the townſhip of Yarmouth, in the county aforeſaid, on the firſt Tueſday of April, and laſt Tueſday of October, in every year.

What Laws extend to the ſame.

II. *And be it further enacted,* That all and every the laws of this Province, reſpecting the balloting, ſummoning and attendance, of jurors, ordering and taking of bail, the ſervice of writs and executions, or which relate to order, and direct, either practical or judicial proceedings of the Courts of law in this province, ſhall extend, and be conſtrued to extend, to the ſaid Inferior Court of Common Pleas, and General Seſſions of the Peace, in the ſaid townſhip of Yarmouth.

CAP. VI.

An ACT to enable the Inhabitants of the Town Plot of Dartmouth to uſe and occupy the Common Field, granted them by his Excellency the Lieutenant-Governor, in ſuch way as they may think moſt beneficial to them.

For Acts reſpecting Commons ſee note on 34th Geo. 2d. cap. 12.

Preamble.

WHEREAS *his Excellency the Lieutenant Governor hath granted a certain tract of land adjoining to the town plot of Dartmouth, to the inhabitants thereof for the time being, for the purpoſe of a common field, for feeding cattle, &c. and as the intention of ſaid grant cannot be carried into effect, without the aid of a law for that purpoſe:*

Proprietors to meet once a quarter, on the order of the Truſtees.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly,* That it ſhall and may be lawful for the proprietors and perſons intereſted in ſaid common field, to aſſemble in ſuch place in ſaid town, as the Truſtees named in ſaid grant ſhall appoint, once in every quarter of a year, and one or more of ſaid Truſtees are hereby impowered to grant an order for ſuch meeting, directed to one of the Conſtables for the diſtrict of Dartmouth, requiring him to notify the proprietors, and others intereſted in ſaid common field, of the meeting, and the time and place for the ſame, which notification ſhall be given in writing poſted up in ſome public place within the town aforeſaid, five days before the day appointed for the meeting, and ſuch and ſo many of the proprietors and perſons intereſted in ſaid common field, who ſhall be aſſembled and meet accordingly, ſhall have power by a majority of votes, to chuſe a Clerk to enter and record all votes and orders that from time to time ſhall be made and paſſed in ſaid meeting, reſpecting the ſaid field and the management thereof, who ſhall be ſworn to the faithful diſcharge of his office, and alſo to paſs orders for the managing and improving ſaid common field.

Empowered to chuſe a Clerk to enter and record all votes and orders relative to the Common.

And for the better enabling the ſaid proprietors and perſons intereſted in ſaid common field, to fence and improve the ſame:

II.

II. *Be it further enacted, by the authority aforesaid*, That the proprietors and persons interested in said common field, that by either of the trustees for the time being may sue, commence and prosecute any suits or actions (respecting the management of said common field) in any Court proper to try the same, and in like manner to defend all such suits and actions that shall be commenced against them, and the said proprietors and persons interested in said common field are hereby impowered at their quarterly meetings to order the raising of any suitable sum or sums of money, that shall be by them thought sufficient to carry on and prosecute, or defend any actions or suits that may be brought by or against them, or for the carrying on or managing any affairs relating to the said common field, and to appoint three of the proprietors aforesaid, to proportion such sum or sums, as shall be thought necessary to be raised for the ends and uses aforesaid, upon the proprietors and persons interested therein, and to appoint a collector or collectors to gather in, and collect the same, which collector or collectors shall be and are hereby fully authorized and empowered to levy and collect the sum or sums set, and apportioned for such proprietors, to pay, in the same manner as the collector or collectors in the town of Halifax are impowered to collect the public taxes; and to pay in the same to the clerk of said meeting, (who is hereby impowered to grant warrants for levying and collecting such assessments) at such times as shall be by them appointed for the payment thereof; and such clerk shall be accountable to said proprietors therefor, and the person so assessing, and the collector or collectors that shall be appointed, shall be under oath for the faithful performance of their services respectively.

Trustees to sue, or defend suits for proprietors, respecting the Common.

Mode of raising money for defraying expence of Law Suits, &c.

III. *And be it further enacted, by the authority aforesaid*, That the proprietors and persons interested in said common field at a meeting warned (as by this Act directed) and assembled, shall and may have power by a majority of votes of the persons then assembled, to make and pass such orders for fencing and improving of said common field as by them shall be thought proper and convenient, and to annex penalties on the breach and non-observance of such orders; *provided* such penalties do not exceed fifteen shillings for one offence. *Provided also*, That such orders so made are not repugnant to the general laws of the Province; said penalties to be recovered before any of His Majesty's Justices of the Peace for the county of Halifax, and to be disposed of as said proprietors shall order or direct, any law, usage or custom, to the contrary notwithstanding. *Provided always*, That this Act, nor any thing therein contained, shall be construed to impower said proprietors, or the trustees, to alienate said common field, or any part thereof, or to assess or levy any money on any commoner, who shall not use his right of common, or on any commoner, except in proportion to the beasts he may depasture there, and the benefit he may derive from said common field.

Fencing of Common,

Rules and orders relative to the fence of the said Common, not to be repugnant to the Laws of the Province.

Proprietors or Trustees not to alienate the common, or to levy taxes on such proprietors as do not use the common.

CAP. VII.

An ACT, in amendment of the several Acts passed in the First and Twenty-Eighth years of His Majesty's reign, relative to the repairing of Highways, Roads, Bridges, &c.

For Acts respecting highways, see note on 1st Geo. 3d. cap. 14

WHEREAS *the road leading from the town of Halifax to the town of Annapolis, is frequently rendered inconvenient to pass, from the great depth of snow, and the injudicious manner of using the said road; for remedy whereof.*

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication of this Act, all loaded sleds, or such as are constructed to carry loads, going to, or coming from, the town of Halifax, or using any part of the road leading as aforesaid, and which shall be drawn by more than one horse or ox, shall be in breadth from outside to outside of the

Of Sleds passing to and from Halifax and Annapolis, constructed for carrying loads.

the runners, not less than four feet, and that the horses or oxen drawing the same, shall be harnessed or yoked in such manner, that they draw two and two, side by side of each other

Penalty for disobeying said Act, 10s.

II. *And be it further enacted*, That any person disobeying this Act, shall forfeit the sum of ten shillings for each and every offence, to be recovered before any one of His Majesty's Justices of the Peace, and the money so recovered to be appropriated to the use of the persons informing and prosecuting the same to effect.

Sleds used in other Counties, to be 4 feet wide.

III. *And be it further enacted*, That all sleds which shall hereafter be made use of in any of the settled townships of this Province, (Halifax excepted,) shall be no less than four feet wide as aforesaid, and any person using a sled of less dimensions, shall forfeit and pay for each and every offence, a penalty of ten shillings, to be recovered and applied as aforesaid.

CAP. VIII.

Respecting trespasses, see note on 32d. Geo. 2d. cap. 14.

An ACT in further addition to an Act, made in the Thirty-second year of the reign of King George the Second, entitled, an Act for preventing Trespasses.

Penalty for any person found in any enclosed field in the peninsula of Halifax.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly*, That if any person, from and after the publication of this Act, shall be found within any fenced field or other inclosure of land on the peninsula of Halifax, with a gun, or otherwise, unless by leave of the owner thereof, such person, shall for every offence forfeit the sum of ten shillings, to be recovered on due proof, before any one Justice of the Peace, and be for the use of the prosecutor; and in case the party convicted, shall be unable to pay the fine imposed, it shall and may be lawful for such Justice to commit him to the common goal of the county, there to remain for twenty-four hours, or until he pays such fine.

Fine for cutting or carrying off sods or soil.

II. *Be it further enacted*, That any person or persons who shall cut or carry away any soil or sods from off the common of Halifax, or of Lunenburg, whereby the pasturage shall be injured, or the ground defaced, he or they, shall, on conviction, forfeit and pay for every such offence, a sum not exceeding twenty shillings, to be recovered and applied as aforesaid.

CAP. IX.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 2.

An ACT in amendment of the several Acts passed in the Thirty-second and Thirty-fourth years of the reign of His late Majesty, King George the Second, and in the First, Fifth, and Twelfth years of the reign of His present Majesty, relative to the registering of Deeds and Conveyances made of, or which may affect, Lands, Tenements, and Hereditaments.

Preamble.

WHEREAS *by the various and secret ways of conveying lands, tenements and hereditaments, ill disposed persons frequently have it in their power to commit frauds, by means whereof bona fide purchasers and mortgagees may (by prior secret conveyances and fraudulent incumbrances) be greatly injured; for remedy whereof:*

Conveyances of lands to be immediately registered in the town or district where the lands lay.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That all deeds and conveyances of lands, tenements, or hereditaments, made after the first day of June, in this present year of our Lord, one thousand seven hundred and eighty nine, shall immediately on the execution thereof, be registered in the office of the Register, or deputy Register, of the town or district

trict wherein the lands lay, and in case there shall not be a Register, or deputy Register's office in such town or district, then in the Register or deputy Register's office of the town or district nearest the lands, and within the county; and that every deed or conveyance made after the said first day of June next, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee, for valuable consideration, unless such deed or conveyance shall be registered prior to the subsequent purchase and registry thereof.

Every deed made after the 1st June, 1789, void against subsequent purchaser or mortgagee, unless first registered.

CAP. X.

An ACT in amendment of an Act, made in the Third year of His present Majesty's reign, entitled, an Act to prevent Frauds in the selling of Flour and Biscuit, or Ship Bread in Casks.

For Acts respecting this subject, see note on 3d. Geo. 3d. cap. 3.

WHEREAS *many inconveniences arise from the manner in which meal of different kinds has been heretofore sold in this Province; for remedy whereof:*

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, all meal, or flour, made of Indian corn, buck wheat, rye, or any other species of grain, that shall be sold, bartered or exchanged, within this Province, either in casks, or other wise, shall be sold, bartered or exchanged, by weight only, and in no other way or manner whatsoever.

Meal and flour to be sold by weight only.

And whereas great frauds are often committed in measuring grain:

Of the measure.

II. *Be it further enacted*, That after the publication hereof, the measure with which grain is sold, shall be struck with a strait board or stick, rounded at the edges, and with no other, and that any person or persons herein offending, shall be liable to the penalties and forfeitures mentioned in the Act, entitled, An Act to prevent Frauds in the selling of Flour and Biscuit, or Ship Bread in Casks.

Transgressors of this Act, how punished.

CAP. XI.

An ACT in amendment of an Act, made in the Second Year of His present Majesty's reign, entitled, an Act for regulating the Exportation of Fish, and the assize of Barrels, Staves, Hoops, Boards, and all other kind of Lumber, and for appointing Officers to survey the same.

For Acts respecting these objects see note on 2d Geo. 3d. cap. 8.

WHEREAS *it is found from experience, that our present regulations respecting the exportation of fish, are in many cases defective; for remedy whereof:*

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, when pickled fish, of any description, shall be offered for sale in any town, district or fishing port, within the Province, and the same shall appear to be in any wise unmerchantable, it shall and may be lawful for the Surveyor or Surveyors for the town, district or fishing port, where such fish shall be so offered, to call in any three persons, accustomed to deal in, or having knowledge of the requisite qualities of such articles, and if they shall be of the opinion, that the fish so offered are unsound, that then, and in such cases, the Surveyor or Surveyors, before whom such inquest shall be had, shall destroy the same.

Survey of Pickled Fish, how to be made, &c.

Unmerchantable Fish to be destroyed.

II. *And be it further enacted*, That if any Surveyor or Surveyors shall suffer any owner, or other person for him, to remove or carry such condemned or unsound fish, that they shall, upon

Penalty, on Surveyor suffering bad fish to be removed.

on conviction forfeit and pay the sum of twenty shillings per barrel, for each and every barrel so removed, the same to be recovered on the oath of one creditable witness before any one of His Majesty's Justices of the Peace, and applied to the use of the poor.

Exportation of Fish, regulated.

III. *And be it further enacted*, That all masters of vessels carrying merchantable dried fish to any European market, or any kind of pickled fish to any foreign market, shall be obliged to produce the certificate of the sworn Culler of dried fish, and the certificate of the sworn Surveyor of pickled fish, to the Collector and Naval Officer of the port where his vessel shall be laden, before he can obtain a clearance.

Size of Salmon Tierce.

IV. *And be it further enacted*, That all salmon tierces shall be made to contain forty-two gallons at least, and not less than two hundred and eighty pounds of fish, exclusive of salt and pickle.

Size of barrel for pickled Fish.

V. *And be it further enacted*, That in future all pickled fish shall be packed in barrels containing thirty gallons, and no less, any law, custom or usage, to the contary notwithstanding.

Penalty for Surveyors transgressing this Act.

VI. *And be it further enacted*, That if any Surveyor of fish or lumber of different kinds, shall pass any fish or lumber as merchantable, which is not merchantable, or shall refuse or neglect to do with such unmerchantable fish, lumber, hoops, staves, shingles, clapboards, or any other species of lumber, what the Act, of which this is an Act in amendment, directs, such Surveyor, shall forfeit and pay the full value of the fish or lumber, of any kind, which he shall so pass as merchantable, not being such, or which he shall neglect or refuse to destroy or dispose of as the law requires in such cases, the same to be recovered before any one of His Majesty's Justices of the Peace, and applied to the use of the poor.

CAP. XII.

For Acts respecting Supreme Court, see note on 8th and 9th Geo. 3d. cap. 5.

An ACT to provide for the better support of the Puisne Judges of His Majesty's Supreme Court.

Preamble.

WHEREAS *the independence and uprightness of the Judges are essential to the impartial administration of justice, and has ever been considered as one of the best securities of the rights and liberties of the Subject, in order therefore to make a suitable provision for such appointments and establish the permanency thereof:*

Allowance to the Judges of the Supreme Court.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That there shall be paid annually to the two Puisne Judges of the Supreme Court, during their continuance in office and residence in the Province, the sum of four hundred pounds currency each, which said sum shall be paid out of the public monies in the Treasury, by warrant from the Governor, Lieutenant Governor, or Commander in Chief for the time being, on the Treasurer thereof.

Removal of the Judges.

II. *Provided always*, That nothing herein contained, shall extend, or be construed to extend, to change the nature of His Majesty's commissions to such Judges, but the Puisne Judges shall be removed at the pleasure of His Majesty, or upon the joint address of the Council and Assembly, to the Governor, Lieutenant Governor, or Commander in Chief for the time being.

CAP. XIII.

Expired.

An ACT for continuing and amending the several Acts for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.

CAP.

CAP. XIV.

An ACT for the better support of the Poor in the respective Counties within this Province, by laying an Impost Duty on all articles imported into this Province from the United States of America.

Preamble.

WHEREAS by an Act of Parliament, made and passed in the twenty eighth year of the reign of His present Majesty, entitled, An Act for regulating the trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West-India Islands, and the countries belonging to the United States of America, and between His Majesty's said subjects and the Foreign islands in the West-Indies, certain articles, therein enumerated, may be allowed by the Governor, Lieutenant-Governor, or the Commander in Chief for the time being, by and with the advice of His Majesty's Council, to be imported into this Province for a limited time, from any of the territories belonging to the aforesaid United States, for the supply of the Inhabitants of this Province, provided such goods and commodities, so authorized to be imported, shall not be imported except by British Subjects, and in British built ships, owned by His Majesty's Subjects, and navigated according to law; and whereas it may be expedient and necessary to authorize the importation of many of those enumerated articles for some time to come, nevertheless for the encouragement of the inhabitants of Nova-Scotia, to raise and procure those commodities within the Province.

Duty on articles imported from the United States

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, all articles so imported under the authority of the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, from any of the United States of America, shall pay a duty of ten per cent. *ad valorem*, to be levied and received by the Collectors of Impost and Excise, to be estimated according to the original invoice to be produced by the importer on oath, before the landing of any such articles, except scantling, planks, staves, heading boards, shingles, hoops, or square timber of any sort, wheat, rice, rye, Indian corn, barley, wheat and rye flour, neat cattle and sheep alive.

Payment of duty.

II. *And be it further enacted*, That the duty in this Act before mentioned, shall be paid in current money of this Province, by the importer or importers thereof, unto the Collector or Collectors, Receiver or Receivers, for the time being, before the landing thereof.

Articles landed without payment of duty forfeited.

III. *And be it further enacted*, That any importer or importers, owner or owners, who shall import and land any of the articles, except such as are herein excepted, without paying the duty thereon imposed by this Act, shall, upon discovery thereof, forfeit such articles so imported and landed.

Persons landing of Goods before Duty be paid to forfeit 50l.

IV. *And be it further enacted*, That the master of any vessel employed in the trade to the United States of America aforesaid, or any other person who shall land, or attempt to land, any of the articles in this Act, except as herein before excepted, before the duty, imposed by this Act, shall be paid, shall forfeit and pay the sum of fifty pounds.

Duties collected, to be accounted for.

V. *And be it further enacted*, That the collectors or receivers of the duties of the time being, shall render a just account, and pay into the hands of the Treasurer of the Province all such monies received by him or them, for the duties collected in pursuance of this Act, within thirty days after receipt of the same, under penalty of fifty pounds for his or their neglect, which duties shall be applied to the relief of the poor of the county or town where the same shall be collected.

Appropriation of Forfeitures.

VI. *And be it further enacted*, That all forfeitures and penalties incurred by this Act, shall be appropriated one half to the informer, and the other half to the use of the poor of the county wherein the same is collected or recovered, the forfeiture to be recovered, on complaint or proof, before any one of His Majesty's Justices of the Peace, and the penalty by action of debt, bill, plaint or information, in any Court of Record within this Province.

VII.

VII. *And be it further enacted*, That this Act shall continue in force until the thirty-first day of March, one thousand seven hundred and ninety.*

* This Act is continued by several subsequent Acts to the present day.

CAP. XV.

Expired.

An ACT to provide for the support of His Majesty's Government in this Province, by amending and continuing the several Laws for raising a Revenue, as are herein after particularly mentioned and expressed.

CAP. XVI.

Expired.

An ACT for continuing in Force the several Acts herein after mentioned.

CAP. XVII.

Executed.

An ACT for applying certain Monies therein-mentioned, for the services of the year one thousand seven hundred and eighty-nine, and for appropriating the Supplies granted in this Session of General Assembly, and for funding the Province Debt.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 February, Anno Domini 1790, in the Thirtieth Year of His Majesty's Reign, being the Fifth Session of the Sixth General Assembly convened in the said Province.*

* In the time of John Parr, Esq. Governor; Henry Newton, President of Council; Richard John Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT to amend the Act, entitled, an Act for appointing Firewards, and ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire, and also in amendment of the several Acts made in amendment or addition to said recited Act, and to extend the several Provisions, therein contained, to the Town of Shelburne.

For Acts on this subject see note on 2d Geo. 3d. cap. 5,

WHEREAS *the fine of forty shillings now imposed on persons neglecting to sweep their chimnies has been found too high:* Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the publication hereof the said fine shall be reduced to the sum of ten shillings only, the same to be recovered and applied in the manner and form directed in, and by the said recited Act, and the several Acts made in amendment thereof, or addition thereto. Fine of 40s. for not sweeping Chimnies reduced to 10s.

And whereas the number of firewards to be appointed by virtue of said recited Acts are found to be insufficient:

II. *Be it therefore enacted*, That from and after the publication hereof it shall and may be lawful for the Justices in their Sessions to nominate and appoint any number of fit and proper persons to discharge the duty of firewards, as in and by said recited Acts are directed. *Provided* the number of such firewards so to be appointed shall not exceed fifteen, any law, usage or custom, to the contrary notwithstanding. Justices in Sessions to appoint not exceeding fifteen Firewards.

And whereas it is found expedient and necessary, that the several provisions in said recited Acts should be extended to the town of Shelburne:

III. *Be it therefore enacted*, That from and after the publication hereof, the several matters, clauses

Acts reſpecting Firewards extended to Shelburne.

clauſes and things ſpecified and contained in ſaid Act, entitled, An Act for appointing firewards, and aſcertaining their duty, and for puniſhing theſts and diſorders at the time of fire, and contained in this Act, and the ſeveral other Acts in addition to, or amendment thereof, ſhall be, and the ſame is hereby extended to the ſaid town of Shelburne, and the Juſtices in their Seſſions, Juſtices of the Peace, firewards, and all other perſons whatſoever, within the ſaid town of Shelburne, ſhall hereafter be bound thereby in as full and ample a manner as if the ſaid town of Shelburne had been originally named therein.

CAP. II.

An ACT in amendment of an Act, entitled, an Act for the more ſpeedy and effectually collecting ſuch Town Rates and Taxes as may be aſſeſſed on the Inhabitants of the Town of Halifax.

For Acts reſpecting Rates, ſee note on 5th Geo. 3d. cap. 5.

Preamble.

WHEREAS *by an Act paſſed in the twentieth year of His preſent Majeſty's reign, entitled,* An Act for the more ſpeedy and effectually collecting ſuch town rates and taxes as may be aſſeſſed on the inhabitants of the townſhip of Halifax, *the Collector is allowed ten pounds per centum for collecting and paying in the ſaid rates and taxes, which allowance has been found to be more than a reaſonable compenſation for his ſervices:*

Seven and a half per centum, allowed for collecting Town Rates and Taxes in Halifax.

I. *For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Aſſembly,* That from and after the publication hereof, it ſhall and may be lawful for the Juſtices in their Seſſions to allow the ſaid collector ſuch a reaſonable commiſſion as they ſhall think proper, not exceeding ſeven and a half pounds per centum, and no more, any law, uſage or cuſtom, to the contrary notwithſtanding.

CAP. III.

An ACT to prevent the deſtroying or defacing Mile-Poſts, Mile-Boards or Mile-Stones, erected, or to be erected, within this Province.

Preamble.

WHEREAS *the erecting of mile-poſts, and boards, or mile ſtones, tends greatly to the convenience of the public, and is often a uſeful direction to the traveller. And whereas miſchievous and ill diſpoſed perſons have, in many inſtances, wantonly and wickedly defaced and deſtroyed ſuch poſts and boards:*

Penalty for defacing, diſplacing, &c. any mile poſt, board, or ſtone.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly,* That from and after the publication hereof, whoever ſhall be found guilty of defacing, diſplacing, injuring or deſtroying any poſt, board or ſtone, erected, or to be erected, for the purpoſe of aſcertaining diſtances ſhall, on conviction thereof before any two of His Majeſty's Juſtices of the Peace, forfeit and pay the ſum of two pounds; the one half whereof to be given to the proſecutor, and the other half paid in to the Treaſurer of the county wherein ſuch offence ſhall be committed, for the purpoſe of repairing and erecting mile boards within ſuch county, and in caſe the party ſo convicted ſhall be unable to pay the fine impoſed, it ſhall and may be lawful for ſuch Juſtices to direct and order the offender a corporal puniſhment, not leſs than twenty laſhes, nor exceeding thirty laſhes, to be inflicted at the moſt public place within the ſaid diſtrict, in the uſual and accuſtomed manner.

CAP.

CAP. IV.

An ACT to authoriſe certain Commiſſioners to diſpoſe of the Building wherein the General Aſſembly now ſits; and alſo to adjuſt the Debt due from the Province to the Public School at Halifax.

This Act executed.

CAP. V.

An ACT in amendment of an Act relating to Wills, Legacies and Executors, and for the ſettlement and diſtribution of the Eſtates of Inteſtates, and to enable Executors and Adminiſtrators the more ſpeedily to ſettle the Eſtate of the deceaſed.

For Acts on this ſubject ſee note on 32d Geo. 2d. cap. 11.

WHEREAS *from the neglect of creditors in giving in their claims or demands againſt the eſtate of the deceaſed, it frequently happens executors and adminiſtrators are prevented making a ſettlement of the eſtate of the deceaſed within a reaſonable period:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly,* That from and after the publication of this Act, it ſhall and may be lawful for every executor or adminiſtrator having ſued out letters teſtamentary or letters of adminiſtration, at the expiration of two years and ſix months, from the date of ſaid letters, &c. to pay all ſuch debts, dues, and demands as ſhall then be exhibited, ſo far as the real or perſonal eſtate of the deceaſed in his hands will enable him, and after the payment of ſuch debts, dues and demands, if there ſhall remain any overplus, to make ſuch further diſtribution of the ſame, as by law, or by the laſt will and teſtament of the deceaſed, is directed.

Executors and Adminiſtrators after two years and ſix months may pay all debts then exhibited, and to diſtribute overplus according to law, and the laſt will.

II. *And be it further enacted,* That every executor and adminiſtrator, previous to the payment of debts or diſtribution of the eſtate of the deceaſed, ſhall by advertiſement in the public news paper or papers of the Province, and in one or more of the public news papers of the city of St. John, in New-Brunſwick, for the ſpace of ſix months, call on all perſons, who have any demands on the eſtate of the deceaſed, to exhibit ſuch demands within the ſpace of eighteen calendar months from the date of ſaid advertiſement, which advertiſement made and publiſhed as aforeſaid, ſhall exclude every creditor who ſhall not exhibit his demand in manner aforeſaid. *Provided always nevertheleſs,* That nothing herein contained ſhall extend to judgments on record, or mortgages regiſtered. *And provided always,* That nothing in this Act contained ſhall extend, or to be conſtrued to extend, to oblige any executor or adminiſtrator, or executors or adminiſtrators, to advertiſe in any other public news paper other than in this Province unleſs the inventory of the deceaſed eſtate, returned into the probate office, ſhall exceed the ſum of one hundred pounds, any thing herein contained to the contrary thereof notwithſtanding. *And be it further enacted,* That any executor or executors, adminiſtrator or adminiſtrators, who ſhall, from and after the publication hereof, neglect or refuſe, when called on, to make diſtribution of the deceaſed eſtate, agreeable to this Act, all ſuch executor or executors, adminiſtrator or adminiſtrators, ſhall for each and every neglect, or refuſal, forfeit and pay the ſum of fifty pounds, to be recovered by bill, plaint or information, in any of His Majeſty's Courts of Record in this Province, by any or either of the heirs or creditors of the deceaſed.

Publication to be made, of the ſettlement of Eſtate, ſix months, in the Nova-Scotia and New-Brunſwick Papers, and the production of demands within 18 months; all accounts excluded which are not exhibited within that time.

Not to extend to judgments or mortgages.

Executors, &c. not obliged to adverſtiſe in a New-Brunſwick paper unleſs the value of the eſtate exceeds 100l.

Executors, &c. tranſgreſſing this Act to forfeit 50l

CAP. VI.

An ACT for altering and adding to the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the Town and County of Shelburne.

Preamble.

WHEREAS *the stated periods for holding the Court of Common Pleas, and General Sessions of the Peace, in the town and county of Shelburne, has been found inconvenient; for the remedy whereof;*

Common Pleas and General Sessions at Shelburne held on first Tuesday of March, July and November.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That the Court of Common Pleas, and General Sessions of the Peace, for the town and county of Shelburne, shall be in future held on the first Tuesday in March, the first Tuesday in July, and the first Tuesday in November annually, any law, usage or custom, to the contrary notwithstanding.

CAP. VII.

An ACT in amendment of an Act, entitled, an Act for appointing Commissioners of Sewers.

For Acts on this subject see note on 34th Geo. 3d. cap. 7.

Preamble.

WHEREAS *by an Act of General Assembly, made and passed in the thirty fourth year of the reign of His late Majesty, entitled,* An Act for appointing Commissioners of Sewers, *it is, among other things, enacted, that the Commissioners of Sewers, shall be empowered by their commissions from time to time, to assess and tax all such persons as may or shall be owners of dyked meadows, marshes, &c. for and towards the repairing of dykes and wears, or building of new ones, and whereas it frequently happens, that the Commissioners of Sewers are proprietors of a great proportion of such lands, whereby equal justice will not be done to the proprietors in general; for remedy whereof:*

If the expences of dying exceed 5s. per acre commissioner's to summon the owners of the lands to chuse five assessors who with the commissiorer's may assess and tax such owners according to the quantity and quality of their lands.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the publication hereof, whenever the building or repairing such dikes and wears, as are necessary to prevent inundations, or for the draining or flowing of swamps, and other unprofitable grounds, or for working and draining marsh lands, shall appear expedient to the commissioners aforesaid, and the expences thereof shall exceed the sum of five shillings per acre, it shall and may be lawful for the said commissioners, or the major part of them, and they are hereby requested to summon the owners of such meadows, marshes, unprofitable swamps and lands, to meet on a certain day, and at a certain place, first giving reasonable notice of the same, for the purpose of electing five assessors, and the said commissioners with such assessors, or the majority of them, shall and may, and they are hereby authorised and empowered (the said assessors being first duly sworn impartially to execute the said office) to assess and tax all such persons, as shall be owners as aforesaid, towards the charge of repairing such dykes and wears, and draining such unprofitable grounds, having regard to each person's quantity and quality of land, and the benefits to be received thereby according to the best of their judgment.

CAP. VIII.

An ACT in amendment of an Act for regulating the manner of issuing Process and Execution from the Inferior Courts of Common Pleas for the several Counties in this Province, and for altering the Form of the Summons heretofore used by his Majesty's Justices of the Peace, also in amendment and declaratory of the Act for the Summary Trials of Actions.

For Acts on this subject see note on 5th Geo. 3d. cap. 11.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, all summonses issued by Justices of the Peace, shall be directed to either of the constables of the county where the Justice issuing the same shall reside, and that the party or parties against whom such summons shall issue, shall have three days notice to appear to such summons, exclusive of the day of service, and the day of appearance, and where the constable shall not be able to make a personal service, a copy of such summons shall be left by the constable, at the defendant, or defendants house, or last place of abode, with some person residing there, of which service the constable shall, if thereto required, make oath.

Summons issued by Justice of Peace to be directed to constables, party to have three days notice, if not, to be left at defendants place of abode.

II. *And be it further enacted*, That for the service of such summons, the constable shall have one shilling and three pence per mile travel, to be computed from the Justice's residence.

Allowance to the constable for serving a summons.

And whereas doubts have arisen respecting the power of Justices in taking cognizance of certain civil actions;

III. *Be it therefore enacted*, That from and after the publication hereof, no Justice of the Peace shall entertain or have any jurisdiction of any of the following actions, (to wit) of debts for Rent, Trover or Conversion, or Actions on the Case for Words; or Actions for Trespass, Assault, and Battery; or False Imprisonment, or where the Titles of Land shall in any ways come in question.

Actions not within the Justices' jurisdiction.

CAP. IX.

An ACT in addition to an Act, made in the Fifth year of the reign of His present Majesty, entitled, an Act for the raising Money by Presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned.

For Acts on this subject, see note note on 5th Geo. 3d. cap. 5.

WHEREAS *the Clerks of the Peace in the several Counties in this Province, are, by virtue of their office, obliged to do and perform certain services, for which no payment is by law established; for remedy whereof:*

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the several Grand Juries, in each of the Counties in this Province, either at the Court of Assize or General Sessions of the Peace, to be held for such County, on proper representation made thereon by the Justices in their General Sessions, to present annually such sum or sums as shall by them be deemed necessary for the payment of the Clerk of the Peace for his services in that office, for which no provision has hitherto been made.

Grand Jury to present Sums necessary for payment of Clerk of the Peace.

CAP. X.

This Act executed.

An ACT to provide a suitable place for the General Assembly, and King's Courts, to sit in, and for other public purposes.

CAP. XI.

Expired.

An ACT to provide for the support and maintenance of His Majesty's Government in this Province, by reviving, amending and continuing, the several Laws for raising a Revenue, herein after particularly mentioned and expressed.

CAP. XII.

Expired.

An ACT, entitled, an Act for appointing Commissioners to superintend and direct the maintenance and support of certain poor persons, known by the general appellation of Transient Poor.

CAP. XIII.

Expired.

An ACT for reviving, continuing and amending, the several Acts for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed; as also for compelling persons retailing Gun Powder, within the peninsula of Halifax, to take out a licence for retailing the same.

CAP. XIV.

Expired.

An ACT for reviving and continuing in Force the several Acts herein after mentioned.

CAP. XV.

Expired.

An ACT in amendment of an Act, entitled, an Act for establishing a Public Market House in Halifax, and for regulating the same; also in amendment of an Act, entitled, an Act for building a Public Slaughter House in the Town of Halifax, and for regulating the same.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 June, Anno Domini 1791, in the Thirty-Firſt Year of His Majeſty's Reign, being the Sixth Seſſion of the Sixth General Aſſembly convened in the ſaid Province.*

* In the time of John Parr, Eſq. Governor; Thomas Andrew Strange, Chief Juſtice, and Preſident of Council; Richard Jouy Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Aſſembly.

CAP. I.

An ACT in addition to, and amendment of, an Act, made in the Thirteenth year of His preſent Majeſty's reign, entitled, an Act for rating and levying the Expences attending the executing Writs of Partition.

For Acts on this ſubject ſee note on 32d Geo. 2d. cap. 2.

Preamble.

WHEREAS *the ſaid Act is found inſufficient for the recovery of the charges and expences attending the executing writs of partition, from proprietors not reſident on their lands, and having no goods or chattels thereon; for remedy whereof:*

Manner of recovering from non-reſident proprietors their portion of aſſeſſment for the partition of their lands.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That where any non-reſident proprietor ſhall refuſe, or neglect, to pay his or their proportion or proportions, of the aſſeſſment or aſſeſſments made, conformable to the ſaid Act, it ſhall and may be lawful, upon petition of the Collector or Receiver of ſuch aſſeſſment to the Supreme Court, ſetting forth ſuch refuſal or neglect, to direct a ſale to be made at public auction to the higheſt bidder, of ſo much of ſuch non-reſident proprietor's lands, as ſhall be ſufficient to pay their ſeveral proportions of ſuch aſſeſſment, together with the charges ariſing from ſuch ſale and partitions as aforeſaid, and good and ſufficient deed or deeds of conveyance of the lands ſo ſold to be made and executed, by, and in the name of, the Sheriff of the County where ſuch lands lie, reaſonable means having been previouſly uſed by the ſaid Court, according to its diſcretion, for the aſcertaining of ſuch proprietor, and for the enabling him by due notice to prevent the neceſſity of ſuch ſale, by ſatisfying the ſaid charges and expences, with the coſts attending ſuch inquiry and notice as aforeſaid.

CAP. II.

This Act executed.

An ACT to provide for the future maintenance of the Poor, now maintained at the Province expence.

CAP. III.

For Acts on this subject see note on 1st Geo. 3d. cap. 1.

An ACT in addition to an Act, passed in the First year of His present Majesty's reign, entitled, an Act for the better Observation and Keeping of the Lord's Day.

Preamble.

WHEREAS *doubts have arisen whether it is lawful to serve writs or process, in civil suits, on the Lord's day; to remove the same:*

Serving of writs on the Lord's day.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That no person or persons upon the Lord's day shall serve or execute, or cause to be served or executed, any writ, process, order, judgment or decree, (except in cases of treason, felony, or breach of the peace) but that the service of every such writ, process, warrant, order, judgment or decree, shall be void to all intents and purposes whatsoever, and the person or persons so serving or executing the same, shall be liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he, or they, had done the same without any process, warrant, order, judgment or decree, whatsoever.

CAP. IV.

An ACT to enable the Justices of the Supreme Court, and Justices of the Courts of Common Pleas, to issue commissions for the examining of Witnesses out of the Province, and for the regulation of Prisons therein.

For Acts on this subject, see note on 14th and 15th Geo. 3d. cap. 4.

Deposition of witnesses residing out of the Province to be read as evidence.

Issue of commission for taking such depositions.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly*, That in all civil causes depending in the Supreme Court of this Province, as well as in any of the Courts of Common Pleas of the same, in which either party shall be desirous to take the depositions of witnesses residing out of this Province, to be read as evidence in such causes, it shall and may be lawful for the Justices of the said Courts, upon sufficient cause being shewn by affidavit on behalf of the party desiring the same, to issue a commission, under the seal of said Courts, for taking such depositions in such manner, and under such restrictions and regulations, as the said Courts, by any rules and orders for that purpose made, shall direct and appoint, and such depositions, so taken, shall be read in evidence, unless the person or persons, making such depositions, shall be present in Court on the trial of such cause or causes, and the costs attending the issuing and taking such depositions, shall be regulated by rule and order of the said Courts, for that purpose to be made.

The Justices of Supreme Court to ascertain the limits of goal yards, boundaries, and privileges of prisoners.

II. *And be it further enacted, by the authority aforesaid*, That the Justices of the Supreme Court, in their Sessions in the different counties in this Province, may and shall, from time to time, make and publish such rules and orders, for fixing and ascertaining the extent and limits of goal yards, boundaries and privileges of prisoners, and for directing and coutrouling the conduct

duct of Sheriffs, Goalers and other Officers, having the charge or custody of prisoners, and for the safe keeping and protection of prisoners, as the said Justices may judge proper and necessary.

CAP. V.

An ACT to regulate the Times of holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the District of Colchester, and to enable the Grand Juries, in the said District, to assess Monies for the purpose of erecting a Court-House and Goal in said District, and for ascertaining the Boundaries for the said District.

For Acts respecting County rates, see note on 5th Geo. 3d. cap. 5.

WHEREAS *it is necessary for the administration of justice, and the execution of the law within the District of Colchester, that a Court-House and Goal be erected within said District:*

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That the Justices in their General Sessions, to be held in the said district of Colchester, and the Grand Juries, who shall be duly returned, sworn and impanelled for the same, shall, and may, from time to time, exercise all the power and authorities within the same district, with respect to building and repairing court houses, goals and bridges, making and repairing roads therein, and assessing monies for the same, and other necessary purposes, which of right the Justices and Grand Juries respectively, in the several counties within this Province, may or ought, by law, to exercise within such counties.

Repair of court house, goals and bridges, and repairing roads, and assessing monies for the same, in district of Colchester.

II. *And be it also enacted*, That the freeholders and inhabitants of said district of Colchester, shall be exempted from serving on Grand or Petty Juries at Inferior Court of Common Pleas or General Sessions of the Peace, in any place within the county of Halifax, except the district of Colchester.

Inhabitants of said district, exempted from serving on Grand or Petty Juries except within the same.

III. *And be it further enacted*, That the bounds or limits of the said district of Colchester, shall be as follows: to wit, bounded northerly and westerly on the county of Cumberland, King's and Hants Counties, to the junction of Gay's River, with Shubenaccadie River; thence up said Gay's River, to Halifax road, thence running east to the line of Sydney County, thence north, bounded on said county, to the Gulph of St. Lawrence, thence north westerly, bounded on said Gulph, to the line of Cumberland County.

Boundaries of the district of Colchester ascertained.

The 4th section of this Act is not printed, having been altered by the 32d. Geo. 3d. cap. 9.

CAP. VI.

An ACT to prevent the Growth and Increase of Thistles on the Lands in this Province.

Preamble.

WHEREAS *the growth and increase of thistles has become very detrimental in several parts of this Province, owing to the neglect of the inhabitants in not cutting them down, and using other means to prevent it:*

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That in all such counties where it may be necessary, the Justices in their General Sessions of the Peace, held in the beginning or spring of the Year, shall make such regulations as to them shall seem proper and necessary

Justices in Sessions, to make the gulations to prevent the growth of thistles.

sary for the preventing the growth and increase of thistles on the lands within such counties respectively, and the regulations so made shall be published, by posting the same in the most public places in each township within the said county.

Appointment of Inspectors.

II. *And be it also enacted*, That the said Justices, in their Sessions as aforesaid, shall appoint two or more proper persons in each township, within such county to be inspectors for the purpose of carrying into execution the regulations so made, and if the persons so to be appointed shall refuse to accept such office, or having accepted the same, shall neglect their duty therein, they shall forfeit and pay a fine not exceeding three pounds.

Fine for refusing to serve.

Penalty for disobeying regulations, 40s.

III. *And be it also enacted*, That all and every person, who shall refuse, or neglect, to pay due obedience to such regulations, so made by the said Justices, shall forfeit and pay a fine of forty shillings for each such refusal or neglect.

Recovery and application of penalties.

IV. *And be it also enacted*, That the several penalties and forfeitures aforesaid shall be recovered on complaint, and due proof, before the General Sessions of the Peace, and on non-payment thereof, be levied by distress and sale of the offender's goods and chattles by a warrant from the said Court; one moiety thereof to the person or persons who shall prosecute the same to effect, the other moiety to be applied to the purpose of repairing the roads in the township wherein the offence shall have been committed, at the discretion of said Court.

And whereas it may happen that in several counties the General Sessions of the Peace will not be held until the fall of the year, too late for the purposes of preventing the evil which may arise from the spreading of the thistles now growing:

Justices authorized to call a special Session for making regulations.

V. *Be it enacted*, That a Special Sessions of the Peace shall be held by any three of the Justices in any such respective county, where the same may be required, immediately after the publication of this Act, for the making such regulations as are necessary to be forthwith put in force for that purpose.

This Act to be read at the first Session of the Peace in every year.

VI. *And be it further enacted*, That this Act shall be publicly read at the first Sessions of the Peace in every year, after the Grand Jury are sworn.

CAP. VII.

This Act altered by 39th Geo. 3d. cap. 5.

An ACT for altering the Times of holding the Supreme Court in the County of Annapolis, King's County, and the County of Hants.

CAP. VIII.

An ACT in further addition to, and amendment of, an Act, made in the Second year of His present Majesty's reign, entitled, an Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the time of Fire.

For Acts on this subject, see note on 2d Geo. 3d. cap. 5.

Preamble.

WHEREAS *it has been found expedient, that two fire engines should be provided for the town of Halifax, and that the same be kept in good order, and that a number of prudent persons be appointed for that purpose:*

Appointment of nine additional Engine Men, who are to be exempted from serving on Juries, &c.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Justices, in their Sessions of the Peace, for the town and county of Halifax, and they are hereby required, to appoint such number of prudent persons, not exceeding nine, in addition to the number already directed to be appointed, in, and by an Act, passed in the twenty third year of His present Majesty's reign, entitled, An Act in further addition to the said before recited

recited Act, to which this is an addition to, and amendment, who, together with the nine already to be appointed as aforesaid, shall be denominated Engine Men, and shall have charge of the said town engines, and shall be obliged to keep the same in good order, and fit for service on all occasions, and that the said persons so chosen shall be exempted from serving on Juries, or the office of Constable, and from working on the highways during their continuance in said office, and faithfully discharging the duties thereof; any law, usage or custom, to the contrary in any wise notwithstanding.

CAP. IX.

An ACT to impower His Majesty's Justices of the Supreme Court to require and take Bail from Persons removing, or bringing up, Causes from Inferior Courts to the Supreme Court.

For Acts on this subject, see note on 14th and 15th Geo. 3d. cap. 8.

WHEREAS *the issuing writs of* Certiorari, *or* Habeas Corpus cum Causa, *to bring up causes and parties from the Inferior Courts within this Province, subject to no terms or conditions on the part of the person or persons suing out the same, may be attended with great inconvenience:* Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the publication hereof, no cause commenced in any of the Inferior Courts of Common Pleas, or other Inferior Courts in this Province, shall be removed by any writ, or writs, of *Habeas Corpus cum Causa*, or *Certiorari*, into His Majesty's Supreme Court, without sufficient surety being first given in the said Supreme Court, or before a Judge thereof, by the person or persons applying for, and purchasing out such writ or writs, to abide, fulfill and perform, the final judgment of the said Supreme Court, in the cause or causes so removed. Removal of causes from Inferior to Supreme Court.

II. *And be it further enacted,* That previous to the issuing of such writ or writs, the Justice of the said Supreme Court, who has taken the surety as aforesaid, shall indorse on the back of the writ the amount for which surety is taken with the names of the surety or sureties, and shall also signify his assent to the issuing the said writ, by indorsing his allowance thereof, with the day and date it was allowed, and his signature thereto. The Justice before whom surety is taken shall indorse on the back of the writ all particulars and affix his signature thereto.

CAP. X.

An ACT in amendment of an Act, passed in the Thirty-Second year of the reign of His late Majesty, entitled, an Act for confirming Titles to Lands, and quieting Possessions.

For Acts on this subject, see note on 32d. Geo. 2d. cap. 2.

WHEREAS *great inconveniences may happen to the inhabitants of this Province, from the manner in which townships, and large tracts of land, have been granted; for remedy whereof:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That all persons who now hold lands, tenements or hereditaments, in joint tenancy, and who have not, nor shall in their, or any of their life times, have parted or divided such joint interest, that nevertheless the undivided share or right of such joint tenant or tenants who may die, shall not be inherited by the surviving joint tenant or tenants, but shall descend to the lawful heir or heirs of the deceased; any law, usage or custom, to the contrary thereof notwithstanding. Of the disposal of lands on the death of a joint tenant.

II. *And be it further enacted,* That where any persons, being either joint tenant or tenants in common in lands or tenements, have divided such their interests in the same by survey and plans, such surveys and plans shall be henceforth deemed and taken to be a legal division of the same, so as to bind the owners thereof, equally as if the same had been made by deed or writ of partition. Division of lands held jointly.

III.

Persons found guilty of removing bounds or marks.

III. *And be it further enacted*, That any person or persons, who shall hereafter wilfully or maliciously remove and destroy the bounds or land marks, or shall be aiding, abetting or assisting, in removing, or destroying, the bounds or land marks of any person or persons whatsoever, set up agreeable to said survey and plan, such person or persons being duly convicted thereof, in His Majesty's Supreme Court, or any other Court of Record within this Province, shall be fined, imprisoned, or whipped, at the discretion of the Judges of said Court.

All former grants under the great seal of the Province, valid.

IV. *And be it further enacted*, That all grants of land of what kind or nature whatsoever, purporting to be grants in fee simple, which have been heretofore made by any Governor, Lieutenant Governor, or Commander in Chief for the time being, under the great seal of the Province, such grants shall be, and are hereby declared, to be good and sufficient in law, to convey unto the grantee or grantees, in such grant or grants respectively named, a good and sufficient title in fee simple, for ever, notwithstanding any defect in the form or words thereof, and notwithstanding, that such grant or grants, might not express His Majesty's name therein. *Provided*, That the lands specified in such grant or grants were vested in His Majesty, by inquest of office or otherwise, at the time of making the same. *And provided also*, That any defect in form or words as aforesaid, shall not be construed to extend said grant, beyond the limits intended by the true intent and meaning thereof; any thing herein contained to the contrary notwithstanding.

If said Grants, were regularly vested in His Majesty.

CAP. XI.

This Act altered as it respects the June sitting, by 36th Geo. 3d. cap. 3.

An ACT for altering the Time appointed for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the County of Cumberland, in the Spring of the Year.

WHEREAS *the time for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, at Amherst, in the county of Cumberland, in the month of April, has been found inconvenient:*

Time of holding the Inferior Court at Amherst.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That the said Inferior Courts of Common Pleas, and General Sessions of the Peace, for the County of Cumberland, shall for the future be annually held at Amherst in the said County, on the second Tuesday of June, and the last Tuesday of October, any law, usage or custom, to the contrary notwithstanding.

CAP. XII.

This Act executed.

An ACT to raise a Revenue for the purpose of paying off all such Debts as are now due by the Province, or which shall become due before the first day of July next, the Funded Debt only excepted.

CAP. XIII.

Expired.

An ACT to provide for the Support and Maintenance of His Majesty's Government in this Province, by amending and continuing the several Laws, for raising a Revenue herein after mentioned.

CAP.

CAP. XIV.

An ACT for continuing in Force the ſeveral Acts herein mentioned. Expired.

CAP. XV.

An ACT for continuing, and amending, the ſeveral Acts for ſuppreſſing Unlicenſed Houſes, and for granting to His Majeſty a Duty on Perſons hereafter to be licenſed. Expired.

CAP. XVI.

An ACT for applying certain Monies therein mentioned, for the Services of the Year One Thouſand Seven Hundred and Ninety, and for appropriating ſuch part of the Supplies granted in the ſaid Year One Thouſand Seven Hundred and Ninety, as now remain unappropriated. Executed.

CAP. XVII.

An ACT for applying certain Monies therein mentioned, for the Services of the Year One Thouſand Seven Hundred and Ninety One, and for appropriating ſuch part of the Supplies granted in this Seſſion of General Aſſembly, as are not already appropriated by the Laws or Acts of the Province. Executed.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 June, Anno Domini 1792, in the Thirty-Second Year of His Majesty's Reign, being the Seventh Session of the Sixth General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Esq. Lieutenant-Governor; Thomas Andrew Strange, Chief Justice, and President of Council; Richard John Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT to enable the Treasurer to pay off certain Warrants drawn on the Treasury, and to enable the Commissioners to fund certain Debts not yet liquidated; as also to provide for allowing a drawback of the Duties on a quantity of Spirituous Liquors purchased for the use of His Majesty.

This Act executed.

CAP. II.

This Act executed.

An ACT to amend, and render more effectual, an Act passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to raise a Revenue for the purpose of paying off all such Debts as are now due by the Province, or which shall become due, before the first Day of July next, the Funded Debt only excepted.

CAP. III.

An ACT in addition to, and amendment of, an Act, entitled, an Act for the appointment of sworn Gaugers, ascertaining their Duty, granting them an Allowance, and establishing their Fees.

For Acts on this subject see note on 1st Geo. 3d. cap. 9.

WHEREAS *inconveniences have arisen, from the Gaugers not doing a part of their duty, no penalty being annexed to the neglect thereof, in and by the said recited Act:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That all casks containing rum, wine, and molasses, hereafter imported into this Province, shall be gauged, by the sworn and established Gauger, immediately after landing, and before removal from the wharf whereon it is landed; and the said Gaugers shall mark with a marking iron, the quantity of gallons each cask contains, on the stave, next the bung stave, or upon the head of each cask so gauged by them, with the two first letters of his name, on the left hand of the quantity, all which to be done in a fair legible manner, and in lieu of the present allowance for gauging, such Gauger shall receive for every cask exceeding ten, to be gauged by him at any one time and place, the following fees: for every puncheon, three pence; for every hogshead, or tierce, two pence; and for every barrel, one penny.

Casks containing Rum, &c to be gauged before removal.

Allowance for gauging.

And whereas, in and by the aforementioned Act, no fine or penalty is imposed on such Gauger, or Gaugers, who shall guage in any other manner, than is directed in the said Act:

II. *Be it further enacted, by the authority aforesaid*, That if any Gauger or Gaugers, appointed as aforesaid, shall neglect or refuse to do the duty enjoined by this, and the above recited Act, he or they shall for each and every offence, forfeit and pay the sum of forty shillings, to be recovered before any one of His Majesty's Justices of the Peace, by any person or persons, who shall sue for the same, one moiety thereof to the person or persons who shall prosecute for the same, and the remaining moiety to the Overseers of the Poor for the use of the poor, of the township to which such Gauger or Gaugers belong.

Penalty for Gauger refusing to do his duty.

III. *And be it further enacted, by the authority aforesaid*, That any cask directed by this law to be gauged and marked, which shall be fraudulently removed or exposed to sale without the marks prescribed by this Act, shall be liable to be seized as forfeited, by the Collectors of Impost and Excise, or any other officer employed in the collection of the revenue of this Province; one half of the forfeiture, to be given to the informer, and the other half, to the use of His Majesty's Government in this Province. *Provided always*, That until persons can be found in the out ports, of this Province, capable of gauging with callipers, that it shall be lawful in such ports, to gauge with a rod, as also in the port of Halifax, when the parties consent.

Ungauged casks, removed or, exposed to sale forfeited.

Manner of gauging at out-ports.

CAP. IV.

An ACT to revive, and amend, an Act for establishing the standard Weight of Grain, and for appointing proper Officers for measuring Grain Salt and Coals, and ascertaining the standard size of Bricks, and the quantity of Lime to be contained in a Hogshead.

The Act, of which this purports to be an amendment, was a temporary Act, and suffered to expire.

BE *it enacted, by the Lieutenant Governor, Council and Assembly*, That the grand jurors for the several counties in this Province at the Court of General Sessions of the Peace, which shall be holden for each county respectively next after the publication of this Act, and thereafter annually at the first sitting of the said Court in every year, shall nominate four fit persons in each

Appointment of persons as measurers of corn, salt, coals, lime and bricks.

each and every townſhip within their reſpective counties, out of whom the ſaid Court ſhall appoint two, for the purpoſe of meaſuring all ſpecies of corn or grain, ſalt, coals, and lime, and for inſpecting all bricks, which ſhall be offered for ſale, and ſold, within their reſpective townſhips.

Weight of grain.

II. *And be it alſo enacted, by the authority aforeſaid*, That all grain expoſed to ſale, ſhall not be deemed merchantable, unleſs it be of the following ſtandard weight, to ſay:

Wheat ſhall weigh per buſhel		fifty eight pounds.	Avoirdupoiſe.
Rye	do.	do. fifty ſix pounds.	
Indian corn	do.	do. fifty eight pounds.	
Barley ſhall weigh per buſhel		forty eight pounds.	Avoirdupoiſe.
Oats	do.	do. thirty four pounds.	
Peaſe	do.	do. ſixty pounds.	

Allowance for meaſuring.

And that all ſuch grain, as may be imported, or brought to market for ſale, ſhall be, on requeſt of the purchaſer, inſpected and meaſured by the ſworn inſpectors of ſuch town or port, where the ſame ſhall be brought for ſale, and that the inſpectors ſhall be allowed and paid, the one half by the purchaſer, the other half by the ſeller, at, and after the rates hereafter mentioned, for his attention and trouble therein, to ſay, for meaſuring all grain, (oats excepted) two ſhillings per hundred buſhels, and for oats, one ſhilling per hundred buſhels.

Of exact weight and meaſurement of grain.

III. *And be it further enacted, by the authority aforeſaid*, That if any corn or grain, of any kind, ſhall be imported or brought for ſale, within any port or place, within the Province, which ſhall not be merchantable, agreeable to the ſtandard weight before appointed, for each ſpecies of grain to weigh reſpectively; that it ſhall and may be lawful, for the inſpector, or perſon meaſuring the ſame, if required, either by the buyer or ſeller thereof, to add to each buſhel, a quantity ſufficient to make the ſame weigh, equal to the ſtandard herein before regulated for each particular ſpecies, and if ſuch corn or grain, ſhall weigh more than the ſtandard weight herein before appointed, it ſhall in like manner be lawful to deduct from each buſhel, ſo much as ſhall be ſufficient to make the ſame weigh, agreeable to ſaid ſtandard.

The Inſpector, if grain is leſs than the ſtandard weight, exported, ſhall make exporter pay 1s. for every buſhel, fine. Half to the informer, half to the poor.

IV. *And be it further enacted, by the authority aforeſaid*, That if any perſon or perſons, whatſoever, ſhall export or ſend to any place whatſoever, out of the Province, any corn or grain, of any kind whatſoever, which ſhall weigh leſs than the ſtandard weight herein before reſpectively appointed, or which ſhall not have been inſpected, and meaſured, by the perſon or perſons, to be appointed inſpectors by this Act, previous to ſuch exportation, the perſon or perſons making ſuch export, ſhall forfeit and pay the ſum of one ſhilling, for every buſhel, which he or they ſhall ſo export, the ſame to be recovered, on complaint, before any one of His Majeſty's Juſtices of the Peace; one half of which penalty, ſhall belong to the informer, or perſon proſecuting for the ſame, and the other half to the poor of the townſhip, from which ſuch export ſhall have been made.

Size of bricks; ſix ſcore to the hundred.

V. *And be it further enacted*, That no bricks to be made in this Province for ſale, from and after the firſt day of November next, ſhall be leſs than eight inches in length, four inches in width, and two inches thick, and ſhall be ſold at the rate of ſix ſcore to the hundred.

Allowance for meaſuring ſalt and coals, and for inſpecting bricks and lime.

VI. *And be it further enacted*, That all ſalt, coals and lime, expoſed to ſale in any part of this Province, ſhall be meaſured; and all bricks ſhall be inſpected by the officers appointed for that purpoſe, and that they ſhall be allowed and paid by the ſeller for every hogſhead of ſalt, one penny; for every chaldron of coals, three pence; and for every hogſhead of lime, if required to be inſpected, which it is hereby declared ſhall contain eight Wincheſter buſhels, heaped, at the leaſt, or ninety-ſix gallons, two pence; and for inſpecting bricks, at the rate of two pence per thouſand; and that the officers ſo appointed, ſhall be reſpectively ſworn to the faithful diſcharge of their duty; and that upon refuſal to accept of ſaid offices, or being guilty of any neglect, or miſbehaviour, in the execution of the duties thereof, they ſhall forfeit and pay, for

Officers refuſing to do their duty

the

the use of the poor in the town wherein they reside, a sum not exceeding three pounds, to be recovered before any two of His Majesty's Justices of the Peace, for the same county. or negligent therein, shall pay 3l.

VII. *And be it further enacted*, That all grain, salt, coals and lime, imported into this Province, shall be subject to the foregoing regulations.

CAP. V.

An ACT to alter and amend an Act, passed in the Thirty-third year of His late Majesty's reign, entitled, an Act for regulating and maintaining an House of Correction, or Work-House, within the Town of Halifax, and binding out Poor Children, and to extend certain provisions therein, to the whole of the Province.

For Acts on this subject, see note on 33d. Geo. 2d. cap. 1.

WHEREAS *it is necessary for preserving the peace and good order of society, that idle, and disorderly persons, should be restrained and punished, and that the establishment of work-houses, or houses of correction, in the several counties, where none are provided, would be highly conducive to this salutary purpose, and a measure of great public utility:* Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That it shall and may be lawful for the Justices of the Peace, and Grand Juries, of the several counties or districts, in their General Session, when they shall think necessary, to provide proper buildings, or to appropriate a certain part of the county or district jail, as a work-house, or house of correction; the expence of establishing which, and all other incidental charges, to be defrayed by the counties and districts, and raised in the usual mode of presentment and assessment on the Inhabitants. Mode for Providing work houses or houses of correction.

II. *And be it further enacted*, That it shall and may be lawful for the said Justices in their Sessions, or for any one Justice out of Court, in any of the counties or districts in the Province, to commit to such work-houses, or houses of correction, all or any person or persons, of the description mentioned in the second clause of the Act hereby altered and amended, in the manner specified in the said clause, which is hereby extended to the whole Province. Commitment of persons to the work-house.

III. *And be it further enacted*, That the said Justices are hereby impowered to agree with any suitable persons, on the best terms they can, to be masters, or keepers, of said houses of correction, or work-houses; and that any person, appointed by them for that purpose, shall have power and authority, to set all such persons as shall be duly sent, or committed to his or their custody, to work and labour if they be able, for such time as they shall continue or remain in said house. Appointment of keeper of said house.

IV. *And be it further enacted*, That the keepers of the said house, when appointed as aforesaid, shall keep regular accounts of all expences attending the same, and of all earnings arising from the labour of the offenders, and render them upon oath to the Justices in their General Session, and that all expences of keeping such offenders, shall be defrayed out of the produce of their labour, if the same shall be found sufficient; any deficiency to be made good in manner as is herein after directed. Keeper to keep regular accounts to be rendered on oath.

V. *And be it further enacted*, That when any person committed as above, shall be unable to labour, by reason of sickness, or otherwise, or that his or her earnings shall be found insufficient for his or her support, if such person shall have a legal settlement in any township within the county where such work house may be situated, the expence of keeping and maintaining such offender, or such part thereof, as may exceed the amount of his or her earnings, shall be defrayed by the township, to which such offender may belong, and shall be paid by the Overseers of the Poor of such township, on the certificate of the Clerk of the Peace, by order of the Justices in their Sessions, that such expence has been fairly incurred; and in case such offender shall Defraying mode of the expence of maintainpence maintaining persons unable to work in the work-house.

The Justice previous to commitment to examine the offender as to his or her place of settlement.

shall have no legal settlement in any township within the county, the expence of maintaining him or her, or the part thereof, exceeding the amount of his or her earnings, shall be defrayed by said county, and the Justice of the Peace committing any offender, shall examine him or her, as to his or her place of settlement, if any, and note the same, in the warrant of commitment.

Appointment of Inspectors of work house.

VI. *And be it further enacted*, That it shall and may be lawful for the Justices aforesaid, in their General Session, to make such further bye laws, rules and ordinances, for the better regulation and government of said houses of correction, or work houses, as to them may seem meet and proper, not being repugnant to the common law of England, or the statutes of this Province; and the said Justices, shall, at each General Sessions of the Peace, in each county or district, nominate three of their bench, to have the inspection of said work house in each county or district, one of which Justices, in rotation, shall visit the same, at least once in every month, to see that such persons, as shall be committed thereto, shall be kept diligently at work, and to rectify any abuses that may be found in the management thereof, and in concurrence with the other Justices, and such Justice shall report the same, without delay, to the Justices in their Sessions, and the said Justices in their Sessions, shall have power to remove the keeper of said house, and appoint another in his place, in case of any disobedience of orders, neglect, or misconduct, in said keeper.

Inspectors to make report to the Sessions.

Removal of keeper for misconduct.

Keeper subject to a fine of 20l. if found guilty of cruelty.

VII. *And be it further enacted*, That in case the keeper of said house, shall be guilty of any cruelty to the offenders, committed to his charge, or shall fraudulently deprive them of any part of their allowance of provision, he shall, on conviction of any such offence, before the Justices in General Session, be subject to a fine, not exceeding twenty pounds; and moreover, shall be imprisoned, for a term not exceeding six months.

Persons aggrieved may appeal to the General Sessions of the Peace.

VIII. *And be it further enacted*, That any person or persons, aggrieved by any Act of any Justice, or Justices of the Peace, out of Sessions, in, or concerning the execution of this Act, may appeal to the next General Sessions of the Peace, for the county or district, giving reasonable notice thereof, whose order thereon, shall be final.

Of the detention and discharge of prisoners.

IX. *And be it further enacted*, That the term for which persons shall be committed to the houses of correction, or work-houses, established, or to be established, as aforesaid, shall be, until the meeting of the next General Sessions of the Peace, for the county, or district, or until otherwise discharged by law, at which time the keeper of such house, or houses, shall deliver to the said Justices, a list of the names of all persons confined therein, and for what, and by whom, they are so confined, and the said Justices shall make particular enquiry into the behaviour of such persons, and shall cause such as merit the same, to be discharged; *Provided always*, That it shall and may be lawful, for the said Justices, who shall be appointed as aforesaid, to visit such houses, or for any other two of the Justices of the Peace, for the said county, or district, at any time to discharge any person committed to the said work-house, if they shall think it fit, and proper, so to do.

Keeper refusing to deliver up possession.

X. *And be it further enacted*, That if the master, keeper, or any other person or persons, having the care or management of any work house, or house of correction, shall refuse to deliver up the possession thereof, in ten days from the time the Justices in their Sessions shall order him so to do, it shall and may be lawful, for any two of His Majesty's Justices of the Peace, for the same county, on due proof of such refusal, by warrant, under their hands and seals to direct the Sheriff of the county, to remove him, or them, out of such house of correction, and to clear the possession thereof, as upon a writ of *Habere facias possessionem*; and to take and secure all the furniture, implements and materials of every kind, belonging to such house of correction, and to prevent any person, from removing, or taking the same away.

Persons sued may plead the general issue.

Defendant allowed treble costs taxed.

XI. *And be it further enacted*, That if any person or persons, shall hereafter be sued for any 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

the plantiff shall be non-suited, or discontinue his cause, the defendant shall have treble costs taxed, and allowed him or them.

Raising of monies for support of said work-house.

XII. *And be it further enacted*, That all monies necessary for the support and maintenance of such work houses, over and above the earnings thereof, shall be raised by the Grand Juries for the several counties and districts respectively, by presentment, to be levyed and assessed, in the manner already by law appointed, for the levying certain county rates, and charges.

No out pensioners allowed, at Halifax, and no expence to be paid but what has been actually incurred in said house.

XIII. *And be it further enacted*, That the Overseers of the Poor, for the town of Halifax, shall no longer support or maintain, any poor person or persons, as out pensioners, in manner hitherto practised, but shall maintain and support the poor chargeable on said town, in that part of the work house allotted by the Act hereby amended, for the reception of such poor; and all such poor persons, who shall refuse to accept of the provision made for their maintenance in said house, shall be entitled to receive nothing from said town of Halifax, and the Overseers of the Poor, after the publication hereof, shall not be allowed, in their account, any charge whatsoever, except what has been actually incurred for the support of the poor, maintained in said House.

CAP. VI.

An ACT to prevent the Windsor and Hammond Plain Road, being injured by heavy loaded Carriages.

For Acts respecting Highways, see note on 1st Geo. 3d. cap. 4.

Preamble

WHEREAS *great injury hath been done in time past, in the spring of the year, on the road leading from the head of Bedford Bason, towards Windsor, by carts, trucks, waggons and other carriages, with narrow wheels, heavily laden with logs and timber, passing and repassing on the said road:*

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the first day of October next, no cart, truck, waggon or other wheel carriage, laden with logs, timber, cord wood or any kind of lumber, shall hereafter pass, or repass, or when the snow is off the ground, no such logs, timber or lumber, shall be trailed, or drawn, without wheels, on the said road, between the said bason, and the boundaries of the county of Hants, or on the road leading to Hammond Plain, unless the felloes of the wheels of such cart, truck, waggon or other wheel carriage, shall be of the breadth of nine inches, at the least; under pain of the forfeiture, of the sum of five pounds, to be recovered from the driver or drivers, owner or owners, of such cart, truck, waggon or other wheel carriage, by bill, plaint or information, in any of His Majesty's Courts of Record, within the county of Halifax, by any person or persons, who shall sue or prosecute for the same, together with the costs of suit; to be applied, one half to the use of such person or persons, as shall prosecute for the same, the other half, of the said sum, to be applied to the purpose of repairing the said road, by the surveyor appointed to oversee the repairs thereof.

After 1st October, all wheels to be nine inches, under penalty of 5l.

How to be recovered.

Application.

CAP. VII.

An ACT in addition to an Act, entitled, an Act for establishing the Times of holding an Inferior Court of Common Pleas, and General Sessions of the Peace, in the Township of Yarmouth.

For Acts respecting this subject, see note on 29th Geo. 3d, cap. 5.

Preamble.

WHEREAS *it is necessary for the administration of Justice, and execution of the Laws, within the township of Yarmouth, and Argyle, that a Court House and Jail, should be erected within the district of Yarmouth, in the county of Shelburne:*

I.

Court-houſe, jail, &c. at Yarmouth.

I. *Be it enacted, by the Lieutenant Governor, Council and Aſſembly,* That the Juſtices in their General Seſſions, to be held in the ſaid townſhip of Yarmouth, and the Grand Juries, who ſhall be duly returned, impannelled, and ſworn, under, and by virtue of the aforeſaid Act, ſhall, and may from time to time, exerciſe all the powers and authorities within the ſame diſtrict, with reſpect to the building, and repairing of Court Houſes, and Jails therein, and aſſeſſing monies for the ſame, and other neceſſary purpoſes, which of right, the Juſtices and the Grand Juries reſpectively, in the ſeveral counties, within this Province, may, or ought by law, to exerciſe within ſuch counties.

Inhabitants of Yarmouth and Argyle not to be taxed for buildings out of their diſtrict, nor to ſerve on juries out of their diſtrict.

II. *And be it further enacted, by the authority aforeſaid,* That the ſaid diſtrict of Yarmouth and Argyle, and the inhabitants living within the ſame, ſhall be exempt from, and ſhall not be taxed, aſſeſſed or amerced, by the Juſtices or Grand Juries for the county of Shelburne, for any expences to be incurred for, or in building, or repairing any Court Houſe, or Court-Houſes, Jail or Jails, in any part of the ſaid county, the ſaid diſtrict excepted; and that the freeholders, and other inhabitants of the ſame diſtrict, ſhall be exempted from ſerving on Grand or Petit Juries, at the Inferior Court of Common Pleas, and General Seſſions of the Peace, in any place within the ſaid county of Shelburne, out of the ſame diſtrict.

CAP. VIII.

For Acts on this ſubject ſee note, on 19th Geo. 3d cap. 1.

An ACT in amendment of an Act for the better regulating of Elections.

Preamble.

WHEREAS *from the extent of many of the counties in this Province, and from the unimproved ſtate of their roads, it is extremely difficult for the freeholders of ſuch counties, to meet and aſſemble at any one fixed, or given, place, for the purpoſe of electing members to ſerve in the General Aſſembly:*

Repealed in 1817.

Opening of Poll.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly,* That from and after the publication of this Act, it ſhall and may be lawful, (on application of either of the candidates) on the day the poll is firſt opened, for every Sheriff, or other officer of the counties herein after named, to whom any writ for electing a member or members for ſuch counties, to ſerve in the General Aſſembly, of this Province, ſhall be directed, after having opened a poll at the county Court-Houſe, if demanded, and having received the votes of the freeholders of ſuch county in manner and form as is directed, in, and by the ſaid Act, entitled, an Act, for the better regulating elections, to remove or adjourn the poll (held as aforeſaid) in each of the counties, herein after named, and to the reſpective places following, *That is to ſay,* In the county of Halifax, on application as aforeſaid, the poll to be adjourned at the Court-Houſe in Onſlow, and to the town plot called Walmſley, at, or near the harbour of Pictou; in the county of Annapolis, to Sciſſabou, oppoſite to the town plot of New-Edinburgh; in King's County, to the town plot of Parrſborough, near Partridge Iſland; in the county of Shelburne, to the Court-Houſe, and at the French Meeting-Houſe in the townſhip of Argyle; in the County of Sydney, to Country Harbour and Antigoniſh.

Places where the Poll is to be removed at deſire of candidates.

How the Poll is to be demanded, in caſe of removal.

II. *And be it further enacted, by the authority aforeſaid,* That the application aforeſaid for the removal or adjournment of the poll, ſhall be made on the day on which the poll is opened at the county Court Houſe, and that the ſaid Sheriff or other officer as aforeſaid, ſhall, on ſuch application duly made, forthwith notify the Freeholders of the county, of the ſaid adjournment, by ſitting up advertiſements, at the Court-Houſe, where the poll is then held, and at two of the moſt public places in the diſtrict, to which the poll is to be adjourned, that he will, on the twelfth day from the opening the poll at the Court-Houſe, continue the ſame at the place within the diſtrict to which it is adjourned; that he will then and there proceed for the ſpace of two days, to take the poll, or until the Electors then and there preſent be polled.

To continue open for two days.

III.

III. *And whereas in the counties of Halifax, and Sydney, the respective Sheriffs of those counties, are herein before required, to remove the Poll to two places, other than the county Court-House, at the request of any or either of the candidates: be it therefore enacted,* That the Sheriff on opening the poll, at the second place of holding the same, shall give the same notification of holding a poll in the third place, as is herein before directed in counties where the poll shall be held only in two places.

Notice, how to be given in case of removing the Poll to a third place.

IV. *And be it further enacted,* That in case the poll shall be removed from one place to another, in any of the before named counties, pursuant to this Act, it shall not be lawful for the said Sheriff, to carry with him his two assistants, who assisted him in conducting that part of the election, held in the first place, in such county, but shall, on removal of the poll, appoint other assistants, in such place, or places to which it shall or may be removed.

Sheriff not to take with him his two assistants, to the places of removal, but to appoint others.

CAP. IX.

An ACT in amendment of an Act, passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to regulate the Times of holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the District of Colchester, and to enable the Grand Juries, in the said District, to assess Monies for the purpose of erecting a Court-House and Goal in said District, and for ascertaining the Boundaries for the said District.

Preamble.

WHEREAS *the times specified in the afore-recited Act, for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, within the district of Colchester, has been found inconvenient to the inhabitants of said district; for remedy whereof:*

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Court of General Sessions of the Peace, and Inferior Court of Common Pleas, shall in future be held in and for the said district, at the following times and places only, to wit: at Onslow, on the first Tuesday of July, at Walmsley, in the district of Pictou, on the third Tuesday in July; at Onslow, on the first Tuesday of January; and at Walmsley, aforesaid, on the third Tuesday of January, annually; any law, usage or custom, to the contrary notwithstanding.

Times of holding the Inferior Court at Onslow, and Walmsley.

II. *And be it further enacted,* That the jurisdiction of the said Court at Walmsley, shall extend to, and be comprised within the following limits, to wit: beginning four miles eastward of David Archibald's house, at Salmon river, between Truro and Pictou, measuring as the road now runs, from thence to run north, four degrees west (by the Magnet) to the shore of Tatamagouche harbour, thence from said place of beginning to run south twenty seven degrees east, to the southern line of the district of Colchester; thence east, by the said line, to the western line of the county of Sydney, including all the lands to the eastward and northward of said lines, within the district of Colchester.

District of Walmsley described.

III. *And be it further enacted,* That the jurisdiction of the Court at Onslow, shall extend over the remaining part of the district of Colchester, not comprised in the foregoing limits. *Provided always nevertheless,* That every matter and thing, herein contained, shall continue, and be no longer in force, than so long as the district of Colchester remains a part of the county of Halifax.

Act to continue in force as long as the district of Colchester belongs to Halifax.

CAP. X.

An ACT for limiting the Duration, or Continuance, of the General Assemblies.

Preamble.

WHEREAS *it is necessary for the well-being of this Province, that its General Assemblies should have a fixed, and determined period, for their dissolution:*

General Assemblies continued for seven years, if not sooner dissolved by authority.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That this present Assembly, and all General Assemblies, that shall at any time hereafter be called, assembled or held, shall and may respectively have continuance for seven years, and no longer; to be accounted from the day on which by the writ of summons, this present Assembly hath been, or any future General Assemblies shall be appointed to meet, unless this present, or any such General Assembly hereafter to be summoned, shall be sooner dissolved by His Majesty, his heirs or successors, or by his Governor, Lieutenant Governor, and Commander in Chief for the time being.

Act not to have effect until His Majesty's approbation be known. His Majesty's assent has been signified.

II. *Provided always*, That nothing herein contained, shall be of force or effect until His Majesty's pleasure shall be known thereon.

CAP. XI.

Expired.

An ACT for raising an additional Duty of Excise on Rum, and other Distilled Spirituous Liquors, and for amending and continuing the several Laws for raising a Revenue herein after mentioned.

CAP. XII.

Expired.

An ACT for continuing in Force the several Acts herein mentioned; and also for reviving and continuing an Act herein mentioned, which has expired.

CAP. XIII.

For Acts respecting the Revenue of the Province, see 29th Geo. 3d. cap. 14. 33d. Geo. 3d. caps. 1. and 14. 34th Geo. 3d. cap 7. and 15. 35th Geo. 3d. cap. 8. 36th Geo. 3d. cap. 14. 37th Geo. 3d. cap. 8. 38th Geo. 3d. cap. 3. 39th Geo. 3d. caps. 13 and 16. 40th. Geo. 3d. caps. 8, 11 and 14. 41st Geo. 3d. cap. 11. and 12. 42d. Geo. 3d. caps. 14 and 17.

An ACT for the further increase of the Revenue, by raising a Duty of Excise, on all Goods, Wares and Merchandise, imported into this Province.

WHEREAS *the revenue of the Province, for the year last past, has by no means been so productive as was expected; and whereas it is necessary to increase the revenue for the purpose of discharging the present demands against the Province:*

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, a duty of excise shall be levied, paid and received, on all kind of goods, wares or merchandise, of what kind or nature soever (except as herein after excepted) which shall be imported or brought within the Province from any place or country whatsoever, and which shall be sold and expended, or consumed, within the same; which said duty of excise shall be levied, paid and collected, at the following rates, that is to say: a duty of excise of two pounds

pounds ten shillings on every one hundred pounds worth of goods, of any kind as aforesaid, which shall be imported for sale and consumption as aforesaid, by any person or persons whatsoever; and a duty of excise shall be levied, paid and collected, at the rate of five pounds on every one hundred pounds worth of goods as aforesaid, which shall be imported as aforesaid, for sale and consumption as aforesaid, or which shall be in any shape owned by any other person or persons whatsoever, who have not been actually resident inhabitants within this Province, for six months previous to such importation, unless such person or persons, not having been so actually resident, shall have imported the same immediately, and directly, from Great-Britain and Ireland; which said duty of excise of two pounds ten shillings *per centum*, and five pounds *per centum*, shall be calculated on the first or sterling cost of each one hundred pounds worth of such goods as aforesaid, and so in proportion for a greater or less quantity thereof.

A Duty of Excise of two and a half per cent. on all goods imported by residents and

Five per cent. on non resident importers, Who have not resided six months previous to such importation. Centage to be calculated on the sterling cost.

II. *And be it further enacted, by the authority aforesaid*, That all and every person or persons whatsoever, who shall import, or bring within this Province, after the publication hereof, any goods, wares or merchandise of any kind whatsoever, such person or persons shall immediately produce to the Collector or Collectors of Impost and Excise for the district wherein such importation shall be made, the original invoice of the goods, wares or merchandise, which shall be so imported as aforesaid; and the owner or owners of such goods shall make and subscribe the following affidavit (which the said Collectors are hereby impowered to take and administer the oath thereon)

Importers to produce the original Invoice to the Collector of Impost and Excise.

"I A. B. of in the county of do swear, that the account or invoice, now by me produced, is just and true, and that it contains the exact quantity of all the articles by me imported in the from which are made subject to an excise duty, in and by an Act, passed in the thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the revenue, by raising a duty of excise on all goods, wares and merchandise, imported into this Province. And I do further swear, that the prices annexed to each article are just and true, and agreeable to the first or sterling cost thereof, and that I am either the owner thereof, or consignee, who has the principal care, disposal and management of the same, and I do further swear, that I have actually resided as an inhabitant in this Province, for more than six months from the date of these presents, and have paid scot and lot therein."

Importer's Oath.

And if the Goods so imported, shall belong to a person not resident as aforesaid, then the person producing to the Collectors the invoice thereof as aforesaid, shall only be obliged to swear to such part of the said affidavit as relates to the value and ownership of such goods.

And all or any goods, wares or merchandise, which shall be imported or brought within the Province as aforesaid, after the publication hereof, and shall be found in the custody or possession of any person or persons whatsoever, after the said publication, without having been entered and accounted for as aforesaid, and the duties thereon paid or secured in the manner herein after mentioned, the whole and every part thereof shall be seized, forfeited, condemned and distributed, in the manner herein after mentioned. *Provided always*, That in case of the absence of the importer of such goods, wares or merchandise, it shall and may be lawful for the principal clerk or agent of such importer, to make oath agreeable to the tenor of the above affidavit.

Goods liable to forfeiture, if the above conditions are not complied with.

III. *And be it further enacted, by the authority aforesaid*, That the said Collectors of Impost and Excise shall, after the publication hereof, take an exact account, and ascertain the exact value as aforesaid, of all and every of the said goods, wares or merchandise, which shall be imported as aforesaid, within their several districts, and shall ascertain by whom the same shall be owned, and shall take bonds from the owner or importer thereof, with two good and sufficient sureties, bound therein for the payment of the said duties of excise quarterly, in the manner directed in

Collectors of Impost and Excise to take an exact account of what shall be imported.

Manner of securing the duties.

in and by an Act passed in the twenty-ninth year of the reign of His present Majesty, entitled, An Act to provide for the support of His Majesty's government in this Province, by amending and continuing the several laws for raising a revenue, therein particularly mentioned and expressed; and in case the owner or owners, importer or importers, shall refuse to give such bond or bonds, then it shall and may be lawful for the said Collector or Collectors of Impost and Excise to proceed to secure said duties in the manner directed in the said herein before last recited Act; and in case any difference shall arise between the Collectors of Impost and Excise, and the owners or importers of any of the said enumerated articles, as to the quantity, quality, or value thereof, such difference shall be settled by three merchants, mutually to be chosen by the said Collectors, and the said owners or importers, the opinion of two of which merchants shall be final. *Provided always*, That it shall be lawful for the said Collectors to keep the custody of the articles about which the difference shall arise, until the same shall be adjusted.

If importer refuses to give bond.

Difference to be adjusted by three merchants.

The Collectors keeping the goods in their own custody.

If any be found with 50l. worth of goods without a certificate, to be forfeited and distributed as directed by Act of 24th of Geo. 3d.

IV. *And be it further enacted, by the authority aforesaid*, That all persons whatsoever who shall have any goods, wares or merchandise, so to be imported as aforesaid, in his, her or their custody or possession, after the publication hereof, of the value of fifty pounds or upwards, without a certificate, that the duty of excise has been secured thereon, such person or persons shall be subject to the penalty or penalties, and the goods, wares or merchandise, to the same forfeiture and distribution as is directed for the like offence, in and by an Act passed in the twenty-fourth year of His present Majesty's reign, entitled, An Act for more effectually raising a duty of excise on wine, rum, and certain other enumerated articles, and for preventing frauds in the collection of the revenue, and as also is directed in the several Acts afterwards made for the altering, continuing and amending of the said Act, unless such person or persons shall have obtained a permit or certificate in the manner and form directed in and by the said Acts. And all masters of vessels, or owners, neglecting to make report and entry of the goods, wares and merchandise, so imported in the manner and form directed in and by the said last before-mentioned Act, and the several Acts for amending, altering and continuing, thereof, or who shall break bulk or remove any of the said articles, before he or they shall have permission so to do, such owners or masters shall be subject to the several penalties, and the goods, wares and merchandise, to the several forfeitures, appointed and directed in and by the said Act, and the said several Acts in amendment thereof; and the owners or persons removing any of the said goods, wares or merchandise, without first obtaining a permit or permits in the manner directed in and by the said last recited Acts, and all other person or persons whatsoever, who shall in any shape whatsoever, by any manner of ways or means, endeavour to evade the securing and payment of the said duties on the said goods, wares or merchandise so to be imported as aforesaid, or prevent, or endeavour to prevent, the said Collectors from doing their duty in the execution of this Act, shall suffer and pay the same penalties and forfeitures directed and appointed for the like offences, in and by the said last recited Acts, and all of the said goods, wares or merchandise, which shall be clandestinely landed, removed, or in any shape whatsoever disposed of, contrary to the provisions made relative to spirits and other articles in the said recited Acts, shall be subject to the seizure, condemnation and distribution, directed and appointed in and by the said last recited Acts, and all drawbacks of the duties of excise herein, and hereby imposed, shall be obtained and paid in the manner herein after directed and appointed.

All masters of vessels who shall break bulk previous to such entry, made liable as in the before mentioned Act.

V. *And be it further enacted, by the authority aforesaid*, That all trials for forfeitures and penalties on a breach of this Act, shall commence and be prosecuted in the manner and form directed in the said last before recited Acts, and all permits to be granted under this Act, shall be in the same form, and obtained in the same manner, contained in the said last before recited Acts; and the said Collectors of Impost and Excise, shall, in every shape and form, have the same power

Trials for forfeitures as by before recited Acts.

power and authority to execute this Act, that they have given to them in the said last before recited Acts, and shall in all respects conduct themselves in the securing, collecting, receiving and paying, the excise duties imposed by this Act, and shall account for the same, and be subject to the same penalties specified and contained in the said last before recited Acts; and all forfeitures and penalties for any breach of this Act shall be paid, applied and disposed of, in the manner directed in said last before recited Acts, and all and every provision, clause, matter or thing, made and provided for the securing the duties of excise on wine, rum and other articles as specified and contained in the said recited Act, entitled, An Act for more effectually raising a duty of excise on wine, rum, and certain other enumerated articles, and for preventing frauds in the collection of the revenue, and as specified and contained in the said several Acts afterwards made for continuing, altering and amending, of the same, such provisions, clauses, matters and things, and each and every of them, shall extend, and be construed to extend, to the securing the collection of the several excise duties imposed by this Act, and to the punishment of persons acting contrary thereto, and to the condemnation and distribution of property seized and condemned, and in all shapes to the furtherance and support of the execution of this Act, and carrying the same into full effect, as fully and particularly as if each, and every such provision, clause, matter, or thing was herein over again recited and set forth, *provided always nevertheless*, That nothing herein contained, shall extend, or be construed to extend, to compel any master or masters of any vessel or vessels, to disclose the contents of the several packages, loaden on board of his or their vessel or vessels, in any other shape, manner or form, than such master or masters would be compelled to disclose the same at His Majesty's Custom House, any thing herein contained to the contrary notwithstanding.

No master or masters of vessels compelled to disclose the several packages, but in the same manner as they give in their ships manifest at the Custom houses.

VI. *And be it further enacted, by the authority aforesaid*, That it is the true intent and meaning of this Act, that nothing herein contained, shall extend, or be construed to extend, to the levying, imposing or collecting, any duty whatsoever, by virtue, or under the authority of this Act, from or upon the several articles herein after enumerated, that is to say: wine, rum, and spirits of all kinds; refined sugar, porter and ale, gunpowder, fine and bolea teas, brown sugar and molasses, the same being already subject by law to the several duties both of impost and excise; also all articles imported from the United States of America, which are subject already by law to a duty of ten per cent. likewise, flour, grain of all kinds, salt, salted beef and pork, butter, hogs lard, coals, pitch, tar and turpentine, fish and fish oil, furs and skins of all kinds; lumber, staves and cocoa: all which said several articles, in this clause particularly enumerated and mentioned, shall be imported and consumed in this Province, free and clear of and from the said excise duty of two pounds ten shillings *per centum*, and five pounds *per centum*, hereby imposed on goods imported as aforesaid, any thing herein contained to the contrary notwithstanding.

Sundry enumerated articles which are free and clear of this excise being already subject to a duty.

VII. *And be it further enacted, by the authority aforesaid*, That if any contractor or contractors, commissary or commissaries, actually in His Majesty's service or employment, shall import or bring within this Province for the use of His Majesty's navy or army, any cloathing or slops, bread, cheese, oatmeal, peas, salted suet, vinegar, oil, raisins and currants; such contractor or contractors, commissary or commissaries, or their principal agent, shall produce to the Collectors of Impost and Excise an invoice thereof as aforesaid, and in addition to the affidavit herein before appointed to be made by an importer, shall declare on oath, and subscribe the same, that such part of the several goods in this clause enumerated, as shall be contained in such invoice, were actually imported directly from Great-Britain or Ireland for the use of His Majesty's navy or army, to be issued to the same, for and on account of His Majesty, and for no other use or purpose whatsoever; and such contractor or contractors, commissary or commissaries, shall give bond to be accountable for the duties of excise imposed thereon; and the Collectors of Impost and Excise shall, pursuant to the directions contained in the said herein before recited Acts, relative

Articles imported for use of Navy or Army, exempt from this Excise

to

to the excise on rum, &c. examine from time to time the stocks of such enumerated articles, which shall be in the hands or custody of the said contractors or commissaries, or their agent, and shall call him or them to an account for the expenditure thereof, agreeable to the provisions of the said Acts, and shall give credit on the bonds so to be given as aforesaid, for the amount of the duties on the said several articles, which such commissary or commissaries, contractor or contractors, or their agents, shall prove agreeably to the provisions contained in the said Acts, to have been actually expended for the use of His Majesty's navy or army, and the said contractors or commissaries, or their agents, shall pay the duties of excise on all the said articles which shall be wanting, or which he or they shall be unable to account for the expenditure of as aforesaid; any thing herein contained to the contrary notwithstanding.

New Settlers free'd from duty on Houshold goods, and articles for private use.

VIII. *And be it further enacted, by the authority aforesaid*, That if any person or persons whatsoever shall come within this Province, or any part thereof, for the purpose of actually settling therein, that it shall and may be lawful for the said Collectors of Impost and Excise to exempt from the said duty of five pounds *per centum*, all houshold goods, provisions and necessaries of all kinds, which such person or persons shall import, or bring with them for their own use, and the use of their families; but it shall not be lawful to exempt any goods, wares or merchandise, of any kind whatsoever, brought or imported by such person or persons for the purpose of trade, or for sale.

If any of these goods are exported.

IX. *And be it further enacted, by the authority aforesaid*, That in case any goods, wares or merchandise whatsoever, which by this Act are made subject to an excise, and on which such excise duty shall have been paid or secured pursuant to the provisions herein before made, shall be re-shipped or exported out of the Province, to any other country not within its jurisdiction; the person or persons making such shipment, or exportation, shall, before such goods or merchandise shall be loaden on board any ship or vessel, give notice of such intended export to the Collector of Impost and Excise for the district wherein such goods, wares or merchandise, shall be, and shall deliver to such Collectors, at the same time, an account, specifying the several articles so about to be re-shipped or exported, together with the quantity, quality, and the first or sterling cost thereof; and such person or persons shall also exhibit or shew the packages so about to be exported, to an officer or officers to be appointed by the said Collectors for that purpose, who shall have liberty to see the same loaden on board the ship or vessel in which the same are to be exported; and the owner or owners, or person making such shipment, shall produce an invoice of such goods so loaded or re-shipped, and shall make and subscribe the following affidavit, which shall be annexed thereto:

Before they are on board,

Invoice of the quantity and sterling cost, shall be produced to the Collectors, by the Shipper.

Who shall take the following Oath.

Exporter's oath, to be sworn before Collector.

"I A. B. do swear, that the goods specified in the foregoing invoice, were imported by me, and are charged therein at the first or sterling cost, and that I have actually paid or secured the duty of excise imposed thereon by the Law of this Province agreeable to the value in such invoice, and I have shewn and exhibited the Packages in which the same goods are contained to the officer appointed to examine the same, who has attended the reshipment thereof, and the whole of the said goods have been regularly entered at this office, and are now actually loaden on board the bound to and the same are not intended to be again landed, brought back, sold, bartered, exchanged or consumed, in any part of this Province; and do swear that if it shall ever come to my knowledge, that the whole, or any part thereof, shall be relanded in, or brought back to this Province, I will to the best of my power endeavour to prevent the revenue thereof from being in that respect defrauded, and I will make the same immediately known to the Collector of the district wherein I shall then be. And the master of the vessel in which such export shall be made, shall likewise make and subscribe the following affidavit, which shall be annexed to the said invoice. I A. B. Do swear that to the best of my knowledge and belief, the goods specified in the annexed invoice

are

are contained in package, marked and numbered as follows, that is to say: which said several packages, with the goods therein contained, are now actually loaden on board the bound to and I know of no fraudulent intention or design to reland or bring the same back to this Province, or any part thereof, and if it shall ever come to my knowledge, that the whole or any part thereof shall have been brought back, or fraudulently relanded in any part of the Province, I will make the same known to the Collector or Collectors of some district within the same. And I do swear, that unless prevented by the danger of the seas, winds or other unavoidable accident, I will truly land and put on shore at the said packages, with the goods contained therein."

The masters of the vessel's oath.

Which affidavit, when duly made, and sworn to before the Collector of Impost and Excise for the district, shall be delivered, with the original invoice, to the person making such shipment, together with a permit for such export, in the usual form; and the person making such export, shall be entitled to a drawback of the whole duty of excise paid, or secured to be paid, on such goods, by virtue of this Act, on his or their producing to the Commissioners of the Revenue, or the Treasurer of the Province, a certificate from the Collectors of the Duties or Customs, or British Consul, or Vice Consul, for the Kingdom, Province or Country, to which such exportation shall be made, that the goods and packages mentioned in such invoice and affidavit have actually been landed within such Collector's, Consul or Vice Consul's district, for the amount of which, to be certified by the Commissioners of the Revenue, or Treasurer of the Province, the Collectors of Impost and Excise shall give credit, and if the duties have been paid thereon, the Collector or Collectors shall certify the same on the back thereof, which shall entitle such person or persons to receive a warrant or warrants on the Treasury of the Province for the amount thereof, which warrant or warrants the Governor, Lieutenant-Governor, or Commander in Chief for the time being, is hereby authorized from time to time to draw, and the Treasurer to pay; and if any vessel or vessels shall be found relanding of any of the goods so exported for a drawback as aforesaid, such vessel or vessels, together with the articles clandestinely landed, shall be taken into custody, condemned and distributed in the manner appointed by the several laws of this Province relative to impost and excise; and all persons aiding or assisting in the clandestine landing or putting such goods, or any part thereof on shore, or bringing the same back to this Province, and all person or persons clandestinely having the same in his, her, or their custody or possession, shall forfeit and pay the sum of one hundred pounds each for every offence, to be levied and distributed in the manner directed in and by the said last mentioned laws. *Provided always nevertheless*, That it shall not be lawful for the said Commissioners of the Revenue, or Treasurer, to grant any certificate for drawbacks of duties under and by virtue of this Act, unless the sterling cost of the goods shipped at one and the same time, and owned by one and the same person, in one and the same vessel, shall exceed the sum of fifty pounds, and unless application be made for the drawback to be allowed, and the several proofs requisite for allowing thereof made, within twelve months, to be computed from the time of such re-shipment, any thing herein contained, to the contrary notwithstanding. *And provided also*, That the time limited for such shipment shall be from sun-rising to sun-setting, both in winter and summer.

Exporter shall be entitled to a drawback of the whole Excise, on producing proper documents.

If goods be relanded, vessels and goods shall be condemned.

All concerned shall forfeit and pay 100l.

Drawback only to be allowed on goods when they shall exceed 50l. value.

Proof to be made within 12 months from shipment. Shipment to be made from sun-rise to sun-set.

X. *And be it further enacted, by the authority aforesaid*, That this Act, and all and every matter and thing herein contained, shall be and continue in full force and virtue, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety three.

To be in Force until 1st July next.

CAP.

CAP. XIV.

An ACT to regulate the Summary Trial of Actions before His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

For Acts respecting summary trials, see note on 5th Geo. 3d. cap. 11, but particularly see 41st and 43d. Geo. 3d.

Three Justices for County of Halifax to be taken in rotation To compose a Court.

BE *it enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the publication hereof, three of the Justices of the Peace, for the County of Halifax, to be taken in rotation, in the manner herein after mentioned, shall compose a Court, for the summary trial of all civil actions or suits, which shall be commenced in the said town or peninsula of of Halifax for any matter or thing whatsoever, for the trial whereof cognizance is given to one or more of His Majesty's Justices of the Peace; and it shall and may be lawful for the Justices of the General Sessions of the Peace, for the said county, in their Sessions from time to time, as occasion shall require, to appoint a fit and proper person to act as a Clerk to the said Court of Justices, so to be appointed as aforesaid, who shall be sworn faithfully to discharge the duties of such office.

The General Quarter Sessions to appoint a Clerk who shall be sworn.

Three Justices to attend for one month.

II. *And be it further enacted, by the authority aforesaid*, That the said Justices shall immediately on the publication hereof, at a special Sessions to be holden for that purpose, appoint the first three Justices, named in the commission of the Peace for the said County, to attend as Justices of the said Court for one calendar month, then next following, and shall nominate a Clerk, and shall provide a proper and suitable place for the same to be publicly held, at the times, and in the manner herein after directed, and shall cause the names of the Justices so appointed, and the name of the Clerk, with his place of residence, to be advertised in the public newspapers of the said town, together with the place and times, where, and when, such Court is to be held.

To publish the names of the Justices as when and where this Court is held.

The time and manner of summoning the Justices.

III. *And to the end, that the duty intended to be imposed by this Act, be equally distributed: Be it further enacted, by the authority aforesaid*, That the said Clerk, shall within three days before the expiration of the first calendar month, in which the Court, to be established by this Act, shall have been held, summons, or cause to be summoned, the next two of the said Justices, as they stand in order in the said commission: which said two, shall, together with the junior of the three last before appointed, (whose service for that purpose is hereby required accordingly,) attend, and do the business of the said Court, for the succeeding calendar month, and so the like number of Justices, as they stand next to the former in rotation, together always with the junior of the three last before summoned, or setting to do the like duty from calendar month to calendar month, for each succeeding calendar month, till the whole number shall have been summoned, and then begin again with the first of the said Justices in the order aforesaid, and continue to summon two monthly in like rotation, during the continuance of this Act, so as that the Justices for the time being may according to the order in which they shall stand in the said commission, take upon themselves and put the powers in this Act contained in due execution.

If the two Justices next in rotation are not of the quorum, the Clerk to give notice to one of the three being of the quorum, to attend.

If any Justice dies, the Clerk to summon the next in rotation.

IV. *Provided always*, That as often as it shall happen, that the two Justices so next in rotation as aforesaid, are neither of them of the quorum, the said clerk shall give notice to such one of the three, then holding the said Court, as shall be of the quorum (beginning always with the junior) to attend the said duty for the month then next ensuing. And in case one or more of the Justices so appointed, or summoned, should die, or be otherwise prevented by a cause to be allowed by a majority of three Justices next in rotation in the said commission, from attending the duty to be imposed by this Act, then the said Clerk shall forthwith summon, or cause to be summoned, the next in rotation, whose attendance is hereby required accordingly

dingly: and such person or persons so attending and doing the duty of the said Court, for the residue of the month then not expired, shall be deemed, and taken, to have served for one calendar month, to every intent and purpose of this Act.

Persons exempted from serving in Rotation Court.

V. *And be it further enacted, by the authority aforesaid*, That nothing herein contained shall extend, or be construed to extend, to oblige such person or persons who are named in the said commission by virtue of their seats in His Majesty's Council for this Province, or as holding certain offices, and who have not usually acted in the said commission of the Peace, or who do not usually reside within the town and peninsula of Halifax, to take upon themselves the duties of the Court intended to be established by this Act, or to subject them to be summoned to the discharge thereof; and that it shall and may be lawful for any Justice of the Peace, being one of the persons holding the said Court, to substitute another to attend for him at any time or times to do the business of the same, without cause to be allowed as herein before mentioned.

Court held twice a week.

VI. *And be it further enacted, by the authority aforesaid*, That the said Justices, so from time to time to be appointed to hold a Court as aforesaid, shall hold the same publicly at the place so to be appointed as aforesaid, twice in every week, to wit: on Tuesdays and Fridays; and shall have full power and authority, by virtue of this Act, to administer an oath, as well to the parties as their witnesses, and hear and determine all causes brought before them, of which they shall have jurisdiction, according to equity and good conscience, regarding the true merits of the case; and shall cause a fair entry, which shall be signed by the said Justices, to be made in a book by the Clerk of the said Court, of the nature of every case brought before them, and of the evidence produced and examined by both parties, together with the judgment given therein; and shall likewise enter with each cause a particular account of the fees, and cost allowed to be recovered by either party, and shall, in all respects, have, use and exercise, the same power and authority, relative to proceeding in such causes, and granting executions, as has heretofore been exercised, and used by His Majesty's Justices of the Peace, under, and by virtue of, the several Acts of the Province, for the trial of summary actions; and all writs, processes and executions, out of the said Court, shall be issued by the Clerk of the same, under the seal, and tested in the name of the senior Justice; which writ, process or execution, shall be always made returnable at the next day of the sitting of the said Court, unless the same should issue so short a time before the day appointed for its sitting, that such writ, process or execution, could not be executed in time, then, and in such case, the same to be made returnable the next day appointed by this Act for the sitting of the said Court, and it shall not be lawful for the said Court to delay, or put off, the hearing of any cause, at the request of either party, but shall immediately proceed to hear and determine the same on the return of the writ or process; unless the party, wanting a continuance, do set forth, by affidavit, good cause for granting the same; and in case there shall be more causes before the said Court than can be determined in one day, then the said Court may adjourn from day to day, until every cause shall be disposed of according to law; and the Clerk of the said Court shall give regular attendance in a public office, to be by the said Sessions appointed for that purpose, during the hours each day to be regulated and fixed by the said Court of Sessions; and the said Justices, in their Sessions, shall quarterly examine the entries and proceedings of the said Court, and take special care that the same be kept regularly, and in good order, agreeable to the true intent and meaning of this Act.

Swearing of witnesses.

Registry of all transactions.

Manner of issuing process.

The Clerk shall give regular attendance.

Appeal allowed to Inferior Court.

VII. *And be it further enacted, by the authority aforesaid*, That if any person or persons shall think themselves injured by the judgment of the said Court, he, she or they, may appeal to the next Inferior Court of Common Pleas, to be held for the said county, and on such appeal being made, the said Court shall suspend the issuing of execution, or further proceeding in such cause, on the party appealing, giving good and sufficient security to prosecute such appeal at the next Inferior Court of Common Pleas, and to perform whatever the judgment of

such Court shall be, and the Clerk of the said Court, to be appointed for the trial of summary actions, as aforesaid, shall, on the first day of each sitting of the Inferior Court of Common Pleas, for the county aforesaid, return to the said Court a list of all causes, in which appeals have been entered, and the said Court shall appoint a day for hearing thereof, and if the party appealant shall not appear to prosecute the same, such appeal shall be dismissed, but if the parties appear, then the said Court shall proceed to try the said cause over again, upon the evidence as entered and certified by the Clerk below, and to give judgment thereon, which judgment, the said Clerk of the said Court, shall enter in the book, wherein the cause and the first judgment thereon was entered, which entry shall be signed by the Justices present; and in case the Justices of the Inferior Court shall dismiss said appeal, or shall affirm the judgment given by the Court that first tried the cause, and shall be of opinion, that such appeal was made without any reasonable cause or foundation, but for delay, or vexation, then it shall and may be lawful for the said Justices to give judgment against the appealant, for a sum not exceeding thirty shillings cost, in addition to the amount of the first judgment, which additional cost shall be distributed in the manner the said Justices shall appoint; but if there appears reasonable cause for such appeal, then no additional cost shall be paid by the appealant, and no writ of *Certiorari*, or *Habeas Corpus Cum Causa*, shall be allowed or brought to set aside any determination or order respecting such causes as aforesaid.

How the judgment is to be made up.

Appealant liable to 30s. costs if found to proceed from delay or vexation.

No writ of *Certiorari* or *Habeas Corpus Cum Causa*, shall be allowed.

VIII. *And be it further enacted, by the authority aforesaid*, That from and after the publication hereof, it shall not be lawful for any Justice of the Peace, within the town and peninsula of Halifax, finally to commit any person to jail, or to the house of correction, who shall be charged with any breach of the peace, or any criminal offence, of any kind or nature soever, but if such Justice shall, on his own view, or other good information, cause any breaker or breakers of the peace, or criminal offender or offenders of any kind whatsoever, to be apprehended, such persons, when apprehended, shall immediately be carried before the Justices, to be appointed to set as a Court for the trial of summary actions, if such Court be sitting, and if the same be not sitting, then it shall and may be lawful for such Justice, or Justices, to commit the offender, or offenders, so apprehended, for further examination, and the Sheriff, Jailor, Keeper of the House of Correction, or other person to whose custody such offender or offenders shall be committed for examination, shall immediately give notice thereof to the Clerk, to be appointed as aforesaid, who shall notify the said Justices appointed to hold the said Court, and such Justices, together with the Justice or Justices who committed such offender, or offenders, if such Justice or Justices shall think fit to attend, shall assemble as soon as possible, and shall cause the offender or offenders, so committed for further examination, to be brought before them, together with all witnesses, and other persons having any knowledge of the premises, and shall proceed to a public examination of all concerned; which examination, together with the testimony of all witnesses, examined on oath, shall be correctly and fairly entered in writing by said Clerk, and signed by the Justices present, and after the said Justices shall have finished such examination, and entered the same in writing, as aforesaid, then such Justices shall proceed to dispose of such offender or offenders as the law directs, and shall return the examinations, so taken, in due time to the Court, to which the cognizance of the offence, or offences, shall properly belong.

Not lawful for any Justice to commit to jail, but for further examination.

Goaler or Keeper to acquaint the Clerk what offenders are committed.

This Court shall further examine such commitment.

The Clerk to keep all proceedings in writing.

IX. *And be it further enacted, by the authority aforesaid*, That the fees to be allowed and paid for any business whatsoever, to be transacted as aforesaid by the Justices, so to be constituted a Court as aforesaid, shall be the same as the law allows to be paid for the like service when done by a single Justice; and all fees of every kind, payable for services done and performed therein, shall be received by the said Clerk, who shall keep an exact and regular account thereof, which account the said Clerk shall state quarterly, on oath, and deliver the same to the Justices in their Sessions, quarterly, and the said Justices shall apply so much of the proceeds

Fees the same as heretofore before one Justice.

The Clerk to keep an account of Fees.

ceeds of the whole thereof, as shall be necessary to pay the said Justices, for their attendance, the said Clerk, and all other charges which may arise, or be necessary to go to, for the holding and establishing of the said Court, and shall apply the overplus thereof to such general uses as the said Justices shall from time to time think necessary for the preservation of the peace and good order of the said town and peninsula.

Fees to go for the payment of Justices, and the Clerk, and defraying charges against said Court.

X. *And be it further enacted, by the authority aforesaid*, That no judgment or proceeding can be given or had in the said Justices' Court, but with the consent of two at least of the Justices, to be appointed Judges thereof as aforesaid, and two of the said Justices shall be a quorum to hold said Court, and the process, warrants and executions, of the said Court, shall extend throughout the county of Halifax, in the same manner, and with the same effect, with the process, warrants and executions, of one or more Justices of the Peace for the said County as aforesaid.

The decisions and powers of the Justices.

XI. *And be it also further enacted, by the authority aforesaid*, That this Act shall continue and remain in force, for, and during the term of, one year, from and after the publication hereof, and no longer.

Act continued for one year.

CAP. XV.

An ACT for applying certain Monies therein mentioned, for the Services of the Year One Thousand Seven Hundred and Ninety Two, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Executed.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, in the Thirty-Third 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 Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for granting to His Majesty certain Duties on Wine, Rum, and all other Distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest, and reducing the Principal, of the Public Debt of this Province.

For Acts on the subject of Revenue, see note on 32d. Geo. 3d. cap. 13.

Duties payable on wine, rum, &c.

BE *it enacted, by the Lieutenant Governor, Council and Assembly, and it is hereby enacted*, That from and after the publication hereof, there shall be raised, levied, collected and paid, to His Majesty, his heirs and successors, for the uses and purposes aforesaid, upon all wine, rum, and all other distilled spirituous liquors, and brown sugar, (maple sugar excepted) now within, or hereafter to be imported into, or manufactured within, this Province, the respective rates, duties and impositions, herein after mentioned, that is to say: for and upon all wine which now is, or shall be hereafter imported into, or made within this Province, the sum of six pence per gallon: to be paid by the importer or manufacturer of them.

Duty on wine.

Duty on rum, &c.

For and upon all rum, and all other distilled spirituous liquors, which are now in, or shall be imported into, or made within, this Province, the sum of six pence per gallon: to be paid by the importer or manufacturer of them.

Duty on sugar.

For and upon every hundred weight of brown sugar, (maple sugar excepted) the sum of one shilling; which said rates, duties and impositions, shall be raised, levied, collected, and paid to His Majesty, his heirs and successors, by the ways, means, methods, rules and directions, and under the penalties herein after mentioned and expressed, that is to say: All and every person and persons, who have heretofore imported, manufactured, or now have in their possession, any of the herein enumerated articles, on which the duties heretofore imposed, have not been paid, shall pay all and every of the duties, rates and impositions, due and payable thereon, under, and by virtue of, and agreeable to, the several laws made and provided in the seventh session of the sixth General Assembly of this Province, begun and holden on the sixth day of June, in the year one thousand seven hundred and ninety two, for the purpose of raising a revenue for the use

Mode of payment of duties.

Articles on hand to pay duty.

use of His Majesty, and the support of the Government of this Province; out of which duties so now due and unpaid, the amount of the rates and duties hereby imposed, shall be appropriated and applied to the purposes herein after mentioned and expressed; and that all and every merchant, and other person or persons, who shall, from and after the publication hereof, import or bring into this Province, in any ship or vessel, or shall receive, or have consigned to him, her or them, any wine, rum, or other distilled spirituous liquors, or brown sugar, (maple sugar excepted) he, she or they, shall, within twenty-four hours after the arrival of such ship or vessel, in any port, harbour or creek, within this Province, and notice thereof given to him, her or them, render an account on oath to the Collector or Collectors of Excise, for the district in which such merchant, consignee, or other person or persons, shall reside, setting forth, and specifying the quantity of each of the said enumerated articles, so by him imported or received, the nature and kind of casks and packages in which the same is, or are, contained and packed, with the marks and numbers thereof, and also the place from which they were imported and brought. And that the master, or owner, and the supercargo, if any there shall be, of any vessel so importing or bringing any of the above enumerated articles, shall also, within twenty-four hours after the arrival of such vessel, at any port, harbour or creek, within this Province, report to such Collector or Collectors for the district in which such port, harbour or creek, shall lie, the quantity of each of the above enumerated articles, laden on board such ship or vessel, the casks or packages in which the same are contained, with the marks and numbers of them, with the name, or names, of the person or persons to whom such article or articles is, or are, consigned, and shall verify his, and each of their said report, by oath, before the said Collector or Collectors.

Importer of wine, rum, &c. and sugar, to render an account within 24 hours after the arrival of vessel,

Owner, or Supercargo, to produce a manifest of the vessel's cargo.

Importer or Consignee's Oath.

I A. B. do swear, that the account I have now rendered and subscribed of the wine, rum, and other distilled spirituous liquors and brown sugar, to me belonging or consigned, laden on board, and imported in the at is a true account of all the wine, rum, and other distilled spirituous liquors and brown sugar, laden on board the to me belonging or consigned, and that no wine, rum, or other distilled spirituous liquors or brown sugar, laden on board the to me belonging or consigned, hath to my knowledge or belief been landed, sold, delivered, bartered or exchanged, at any port or place within this Province, or on the coasts thereof.

Importer or Consignee's oath.

Master's and Supercargo's Oath.

I A. B. do swear, that the report which I have now made, read and subscribed, contains a just and true account of all the wine, rum, and other distilled spirituous Liquors, and brown sugar, laden on board the at and that I have not landed, or suffered to be landed, sold, or delivered, bartered or exchanged, any wine, rum, or other distilled spirituous liquors, or brown sugar, at any port or place within this Province, or on the coasts thereof, since my sailing from

Master's and Supercargo's oath.

And shall also obtain a permit from the said Collector, or Collectors, for landing the same, at some certain wharf or place, within his or their districts, which permit shall be in the words following:

Permit to land the articles.

Permit A. B. master of to begin to unload the cargo of the said vessel at wharf, or landing, within the district of and to continue to unload the same, betwixt sun rising and sun setting each day, until such vessel's cargo shall be discharged. Given under my hand, at this day of A. D. 179

Form of the permit.

And

The Master, Owner, or Consigneeneglecting to make report, or breaking bulk without permit subject to penalty.

And if such master, owner, or consignee, or other persons, shall neglect to make such report, or shall break bulk of, or on board such ship or vessel, or shall unlade or land any of the said enumerated articles, before he, she or they, shall have made such report, and obtained such permit, or shall unlade or land any of the said enumerated articles, or either of them, at any other place, than is specified in the said permit, or shall remove, or carry away, or suffer to be removed, or carried away, any of the said articles, from the place specified in the said permit for landing, before such wine, rum, or other distilled spirituous liquors, shall be guaged, and such sugar weighed, under the direction of the said Collector or Collectors, and shall have secured the rates, duties and impositions aforesaid, as is herein after directed; and not having a permit for so removing the same, in the words following:

Permit for removal of the articles.

Permit A. B. to remove from within the town of to the duties thereon having been already paid or secured in the Collector's office, at Given under my hand at this day of A. D. 179

Penalty for such as transgress in this respect.

Every such merchant, owner, or master of such vessel, consignee, or other person or persons, shall forfeit for each and every offence, the sum of one hundred pounds, and the ship or vessel from which such articles, or any, or either of them, shall have been fraudulently and clandestinely landed, shall become forfeit, and shall be seized by the said Collector or Collectors, shall be condemned and sold, and the proceeds of the sale thereof, distributed in manner and form herein after directed.

Permit for landing, by the Collector; and the guaging and weighing of the articles.

II. *Be it further enacted, by the authority aforesaid*, That on the accounts and reports being made as aforesaid, and by the persons herein before mentioned, of all, and every part of the above enumerated articles, which shall be imported into this Province as aforesaid, the Collector or Collectors of Excise, for the district, into which such articles shall be imported, shall give to such merchant, consignee, or master, a permit to break bulk of, and to unlade from such ship or vessel, all and every the herein before mentioned articles, and to land the same at such wharf or place, as such Collector shall think most convenient to the owner, or consignee, of such articles, and shall proceed to guage such wine, and spirituous liquors, and mark the name of the island from whence the said spirituous liquors came, on the head of the hogsheads or casks, in which such spirituous liquors are in, at the time of guaging the same; and to weigh such sugar, and after weighing and guaging the said articles respectively, shall proceed, in case the duties on the articles so imported shall not amount to more than ten pounds, to collect the same, before the importer shall have a permit for the removal of the said articles, and in case such duties shall amount to more than ten pounds, then such Collector shall proceed to secure the said duties, by taking a bond or bonds from such importer, owner or consignee, to His Majesty, His heirs and successors, with sufficient sureties for the payment of the rates and duties herein before mentioned, in manner and form following: that is to say, one fourth part of the said rates and duties in three months, from the giving such security; one other fourth part of the same rates and duties, in six months from the giving such security; one other fourth part of the said rates and duties in nine months, from the giving such security; and the residue of the said rates and duties, in one year from the giving such security.

Securing the duties.

Owners of distilleries and manufactories, to render an account of the articles distilled or manufactured.

III. *Be it further enacted, by the authority aforesaid*, That the owner or owners of any distillery, or distilleries, or other person, who shall manufacture any distilled spirituous liquors, within this Province, and in case such distillery or distilleries shall be carried on by any servant or servants, having the care and management of the same, such owner, master, servant, or servants respectively, shall, on or before the second day of each and every month, after the publication of this Act, render a true account in writing to, and on oath, made before the said Collector or Collectors, of the quantity of rum or other distilled spirituous liquors, that hath been

been manufactured or distilled in his, her or their, distillery or distilleries, and shall give security for the payment of the rates and duties on such rum, or other spirituous liquors, by this Act imposed, in manner and form, as in this Act is directed, with respect to such articles as shall be imported into this Province, under the penalty of one hundred pounds, for each and every neglect.

Penalty for not obeying.

IV. *Be it further enacted, by the authority aforesaid*, That in case no person shall appear, to pay, or give security for the rates and duties herein imposed on the said enumerated articles, within twenty-four hours after the same shall have been landed and guaged, weighed or reported by the distiller thereof, as above required, that then it shall and may be lawful for the said Collector or Collectors, to take such enumerated articles into his or their custody, store the same, and shall within five days, from receiving the same into his or their possession, give notice, for the space of ten days, of such sale, and proceed to sell at public auction so much of the said articles as shall be necessary to pay the rates and duties imposed by this Act, with all reasonable costs and charges attending the storing and selling such articles, and shall deliver up to any person, lawfully authorized to receive the same, the residue of such articles, as may remain in the hands of the said Collector or Collectors, after paying such rates, duties, costs and charges.

Disposal of the articles on which the duty is not paid or secured, or on which no person appears to pay or secure the duties,

V. *And be it further enacted, by the authority aforesaid*, That none of the herein enumerated articles, of the value of five pounds, or above, shall be transferred by, or removed from the store or stock of any importer or owner of the same, to any other person or persons whomsoever, without a permit from the said Collector or Collectors of the district wherein the same shall be, in the words following:

Dutiable articles, not to be removed without a permit.

Permit A. B. to receive from the stock of C. D. the following articles, viz. and to carry the same from within the town of to the duties thereon having been paid or secured in the Collector's office, at Given under my hand at this day of 179

Form of permit.

VI. *Be it further enacted, by the authority aforesaid*, That in case any of the above enumerated articles shall be found in the possession of any person or persons whomsoever, or shall be found laden on any cart, truck, waggon, sled, horse or horses, or on board any boat or vessels, the rates and duties herein mentioned not being paid or secured, or without the respective permits by this Act required, the person or persons in whose possession they shall be so found, shall forfeit fifty pounds, and all and every such articles, carts, trucks, waggons, sleds, horses, boats and vessels, shall be forfeit; and that where any question shall arise whether the aforesaid rates and duties have been paid or secured, the proof of the payment, or the securing the same, shall lie on the possessor or claimer of such articles.

Articles found in possession of any person, or laden on any cart, &c. Such person to forfeit 50l.

Proof to be made by owner.

VII. *Be it further enacted, by the authority aforesaid*, That in case any person shall be desirous to export or carry, in any one ship or vessel registered according to law, any quantity of wine exceeding two hundred gallons; or any quantity of rum, or other distilled spirituous liquors, exceeding four hundred gallons; or any quantity of brown sugar, exceeding ten hundred weight, out of this Province, to any Kingdom, State or Colony, such person or persons shall, previous to reshipping, exporting or carrying, the same out of the Province, obtain a permit, authorising him, her or them, to export the said article or articles; which permit the said Collector or Collectors shall give without fee, upon such person or persons giving security, in double the value of the duties imposed in and by this Act, on such articles as are intended to be so exported, that the same shall, within three days from the time of requiring such permit, be laden on board some ship or vessel, and be, without unnecessary delay, transported out of, and shall not be fraudulently relanded within, this Province: after obtaining which permit it shall and may be lawful, after the same has been first guaged and weighed by the proper officer, to lade the same on

Persons desirous of exporting wine, rum, and sugar, to obtain a permit.

on board any ship or vessel for exportation, in the presence of the said Collector or Collectors, weigher or weighers, gauger or guagers, for the district, or either of them. And the exporter, and master of the vessel on board which such articles shall be laden, shall respectively make and subscribe before, and leave in the hands of the Collector or Collectors who shall give the said permit, the following oaths, viz.

Exporter's Oath.

Form of Exporter's Oath.

I A. B. do swear, that the now actually by me shipped on board whereof C. D. is master, bound for is really part of the stock of imported from in the from the island of entered in this office, and is of the proof of the said island as imported, and is not intended to be relanded in this Province.

Master's Oath.

Master's Oath.

I C. D. do swear, that is now actually shipped on board the of which I am master, bound for and that the same hath been laden on board the said for the purpose of exportation out of this Province, and that the same is not intended to be again landed, sold or exchanged, in any part of this Province.

Time allowed for payment of duty on exported Stock.

After which oaths, made and filed as aforesaid, with the said Collector or Collectors, the duties secured on such articles as are specified in such permit and affidavit, shall not be demanded for the space of twelve months afer the date of such permit; and in case, such exporter shall, at or before the expiration of the said twelve months, produce to the Collector or Collectors, from whom he obtained such permit for exportation as aforesaid, a certificate under the hand and seal of the principal officer or officers of His Majesty's Customs, at the place to which such articles shall be exported, of the proof of the said spirituous liquors, and that the same have been, to his knowledge, landed within the port of which he or they is or are principal officer or officers; or in case such enumerated articles shall be exported to any foreign country, such exporter shall produce the like certificate from His Majesty's Consul, or Vice-Consul for such foreign State or Country; that then, and in that case, the said exporter shall have credit with the said Collector or Collectors of Excise, for five sixth parts of the amount of the duties secured for, and on the articles so by him exported out of this Province; and in case the rates and duties herein laid and imposed, shall have been paid, such certificate shall entitle such exporter to receive the amount of the said five sixth parts of the said rates and duties so paid from the Treasurer of the Province. And if any of the enumerated articles which shall be so shipped for exportation, shall be fraudulently relanded in this Province, such articles so relanded, shall be forfeit to His Majesty, His Heirs and Successors, together with the ship, boat or vessel, from which they shall be relanded, and all and every person or persons, who shall be aiding and assisting in such relanding, shall forfeit and pay the sum of fifty pounds, to be prosecuted, recovered and distributed, as is hereafter directed.

Articles fraudulently relanded.

Wine, rum, &c. supplied for His Majesty's army, or navy, exempt from duty.

VIII. *Be it further enacted, by the authority aforesaid*, That if any merchant, distiller or other person, shall supply for, and on account of His Majesty's army, navy, or careening-yard within this Province, any rum, or other distilled spirituous liquors, for which he shall have paid or secured the duties and rates by this Act laid and imposed on the same; such merchant, distiller, or other persons, shall be entitled to have credit, or be repaid for the duties so secured or paid; provided such rum, or other distilled spirituous liquors, so sold and delivered for the use of His Majesty's said army, navy and careening-yard respectively, shall have been delivered over to the respective commanders of His Majesty's army, navy, or the storekeeper of the said careening-yard, or to some person or persons by them respectively, under their hands and seal, authorised

to

to accept and receive the same, in the presence of the Collector or Collectors of Excise, for the district in which the same shall be so sold and delivered, and such merchant, distiller, and other person or persons, shall produce to the Collector or Collectors of Excise for such district, from the said respective Commanders of His Majesty's said army and navy, or the storekeeper of the said careening-yard, a certificate, or certificates, that the rum, or other spirituous liquors, so supplied by the said merchant, distiller, or other persons to them respectively, on account of His Majesty, for the use of the army, navy or careening-yard respectively, that the same hath been actually issued in and for His Majesty's service, or hath been sent out of the Province as an allowance from His Majesty to the persons under, or in their respective commands or departments; and provided the said merchant, distiller or other person, so supplying such rum, or other distilled spirituous liquors, shall make and subscribe the following oath:

Provided the Merchant, &c. make oath of their being for the use of His Majesty's service

I A. B. do swear, that I did on the day of in the year of our Lord *bona fide* sell and deliver to for the use of His Majesty's at Halifax, gallons of for and on account of His Majesty, and for no other use; that such sale and delivery was an absolute sale and delivery of such without any express or implied condition, trust or confidence, on the part of to whom the same was delivered, or of any other person or persons whomsoever, and that I do verily believe the said hath been actually issued for, or applied to, the purpose it is stated by this deponent to have been delivered for.

Form of the oath

IX. *Be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, of this Province, for the time being, to appoint one or more person or persons to collect the rates and duties by this Act laid and imposed, and such Landwaiter or Landwaiters, Guager or Guagers, Weigher or Weighers, for the several districts in this Province as heretofore hath been used and practised; which Collector or Collectors, Landwaiter or Landwaiters, Weigher or Weighers, Guager or Guagers, or one of them, shall and may, immediately upon the arrival of any ship or vessel in any harbour, port or creek, in this Province, either at, or before, her coming to an anchor or wharf, enter on board the same, and shall have full power and authority to take custody of, and to seize, any ship, vessel, boat, cart, waggon, truck, sled or horse, on board of, or on which any of the above enumerated articles shall be laden or found, contrary to the provisions of this Act, and to prosecute the same; and all and every person or persons offending against all or any of the rules, regulations and provisions, thereof, to final condemnation, judgment and execution; and shall and may enter into any ships, vessels, boats, houses, shops or cellars, of all and any person or persons in which they, or either of them, shall have reasonable cause to suspect there is or are any article or articles above enumerated, for which the rates and duties herein mentioned have not been paid or secured, or which has, or have been, fraudulently relanded within this Province.

Governor to appoint persons to collect the duties.

Collectors, Landwaiters, &c. authorised to enter ships and vessels,

With power to seize vessels, &c. laden with dutiable articles, contrary to this Act.

Punishment of offenders.

Collectors, &c. may enter vessels, houses, &c. against which there is cause of suspicion.

Provided, That every such Collector, Landwaiter, Guager, and Weigher, shall before they, or either of them, enter into any houses, shops, stores or cellars, on oath, inform some, or one, of His Majesty's Justices of the Peace, for the county or town, wherein such houses, shops, stores or cellars, are situate, that he has cause to suspect there is, or are, any of the article or articles above enumerated, and for which the rates and duties herein mentioned, have not been paid or secured, or which has or have been relanded as aforesaid, within this Province; and the said Justice is hereby authorised and directed, immediately on the information aforesaid, to attend and go with such Collector, Landwaiter, Guager or Weigher, to the houses, shops, stores or cellars aforesaid, and shall then and there require to be admitted into the same, either by personally demanding of some person in, or belonging to such dwelling-house, shop, store or cellar, admittance into the same, or by publicly and aloud, near such dwelling

Collector, &c. to inform a Justice of Peace of such suspicion.

The Justice to attend, and require admittance.

house, shop, store or cellar, declaring the purpose for which he is about to enter into the same, after which demand or declaration, made as aforesaid, in case the door or doors of such dwelling-house, shop, store or cellar, shall not be opened, it shall and may be lawful for such Justice of the Peace, to direct and order the said Collector, Landwaiter, Guager or Weigher, forcibly to enter into such dwelling-house, shop, store or cellar as aforesaid, at any time between sun rising and sun setting, and to search for any articles herein enumerated, and to seize such of them whereon the said rates and duties shall not have been paid, secured, or permitted to be removed, agreeable to the provisions of this Act.

If refused admittance, may use force.

Collector to administer the oaths required by this Act, under penalty of 100l. for neglect so to do.

X. *Be it further enacted, by the authority aforesaid*, That all and every Collector or Collectors, appointed under and by virtue of this Act, shall be, and are hereby authorised to administer any, and all, the oaths by this Act appointed to be taken and made; and that if any such Collector or Collectors shall omit to administer, or shall dispense with any of the oaths by this Act required to be taken, by the persons therein mentioned, such Collector or Collectors, shall forfeit and pay the sum of one hundred pounds, for each and every neglect, and that in case any person or persons shall make oath to any false reports, or shall falsely swear to any other matter or thing, hereby required to be verified on oath, before such Collector or Collectors, the person or persons so offending shall be deemed guilty of corrupt and wilful perjury, and shall on conviction thereof, be liable to, and suffer all the pains and penalties by law inflicted on persons guilty of corrupt and wilful perjury.

Persons swearing falsely, guilty of perjury, &c.

[The 11th, 12th, 13th, 14th, 16th and 19th, sections of this Act are not re-printed, the same having been executed by the payment of the Public Debt, to which purpose these duties were, by such sections, appropriated, and these duties are now, by a subsequent Act, applied to the general purposes of Government.]

Security to be given by Collectors.

XV. *Be it further enacted, by the authority aforesaid*, That every person who shall be appointed a Collector of the Rates and Duties by this Act imposed and laid, shall, before he enters on the execution of the office, give bond to His Majesty, his heirs and successors, with two good and sufficient sureties in the sum of one thousand pounds, the Collector or Collectors of Halifax, excepted, who shall give bond as aforesaid in the sum of two thousand pounds, for the true and faithful performance of the duties of the office of Collector, agreeable to the true intent and meaning of this Act.

Prosecutions against such as act under this Act.

XVII. *And be it further enacted, by the authority aforesaid*, That if any action or suit shall be commenced against any Collector, or other officer or officers, by any person or persons, for any thing by him done in the execution of his office, by virtue or in pursuance of this Act, he or they shall and may plead, to such action or suit, the general issue, and give the special matter in evidence at the trial to be had thereon; and if it shall appear to have been done in pursuance of, and under the authority of, this Act, the jury shall find for the defendant or defendants, and such defendant or defendants shall recover his or their costs of suit.

Recovery and application of fines.

XVIII. *Be it further enacted, by the authority aforesaid*, That all fines, penalties and forfeitures, for any offence against this Act, shall be prosecuted, levied and recovered, by bill, plaint or information, in any of His Majesty's Courts of Record within this Province, and that one moiety of such fines, penalties and forfeitures, shall be to His Majesty, his heirs and successors, to be applied to the support of the government of this Province, the other moiety to him or them that shall discover, inform, or sue for the same, together with full costs of suit. And that on all prosecutions for any fines, penalties and forfeitures, for any offences against this Act, the prosecutor and defendant shall be entitled to demand a special jury for the trial thereof, and to take the depositions of witnesses to be used in evidence at such trial, as is practised and authorized by the laws and usages of this Province, in civil actions.

Special Jury allowed for the decision of causes.

[The 19th section limited the duration of this Act until the Debt paid, which being executed, the same has been continued by a subsequent Act for other purposes.]

CAP.

CAP. II.

An ACT to amend, and render more productive, an Act passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to raise a Revenue, for the purpose of paying off all such Debts as are now due by the Province, or which shall become due before the first Day of July next, the funded Debt only excepted.

This Act expired

CAP. III.

An ACT to prevent obstructions of the Navigation in the Ports, Harbours, Rivers and Creeks, within this Province.

For Acts on this subject see note on 25th Geo. 3d. cap. 6.

WHEREAS *much injury hath of late happened, by the practice of heaving ballast over the sides of ships, and other vessels, coming into the ports, harbours, rivers and creeks, within this Province; for remedy whereof:*

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the publication hereof, no ballast shall be unladen, or thrown overboard, from any ship, vessel, or boat, below high water mark, into any port, harbour, river or creek, within this Province, or at the entrance into the same; and that if any master or seamen, or other person on board any ship, vessel, or boat, shall unlade, or throw from on board any ship vessel or boat, any ballast, below high water mark, into any port, harbour, creek or river, or at the entrance of the same, such master, seaman, or other person, shall be obliged to remove such ballast or impediment, or in default thereof, shall forfeit and pay a sum not exceeding twenty five pounds, to be sued for and recovered, by information or complaint, before any two of His Majesty's Justices of the Peace, for the county wherein such offence shall be committed, one half of which penalty shall be to the use of the person or persons who shall sue for the same, the other half to the use of the poor of the township wherein the offence shall be committed, subject to an appeal to the Court of Common Pleas, in, and for the county where such offence shall be committed, upon security given, for prosecuting the same to effect.

No ballast to be thrown from any vessel, or boat below high water mark, into any port, harbour, river, &c.

Penalty for such as transgress.

Recovery and application of penalty.

CAP. IV.

An ACT in addition to, and in amendment of, an Act, passed in the Thirty-fourth Year of the Reign of his late Majesty, entitled, an Act for appointing Commissioners of Sewers.

For Acts on this subject, see note on 34th Geo. 3d. cap. 7.

WHEREAS *it is found by experience that the power by law vested in persons holding shares of, or rights in, marshes, meadows and low grounds, is frequently exercised to the injury of others; for remedy whereof:*

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly* That from and after the publication of this Act it shall not be lawful for the Commissioners of Sewers now in being, or any Commissioners of Sewers hereafter to be appointed, by virtue of an Act, passed in the thirty-fourth year of the reign of His late Majesty, to meet and convene together from time to time, as occasion may require, to view, consider, consult and contrive, such ways and methods for building

Power of Commissioners of Sewers limited, respecting dykes, wears, &c.

building and repairing such dikes and wears as are necessary to prevent inundations, and for the drowning and draining of swamps, and other unprofitable grounds; or to exercise any of the other powers and authorities given to them, the said Commissioners, in and by the said Act, otherwise than upon application from, and at the request of, such a number of the proprietors, whose rights and shares in such dyked land, marsh, swamp or other unprofitable ground, when added together will amount to more than the one half part of such dyked land, marsh, swamp or other unprofitable ground; any thing in the before mentioned Act to the contrary notwithstanding.

Not to extend to prevent the Commissioners from proceeding to drain, or repair breaches in, any lands now dyked.

II. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Commissioners of Sewers from proceeding to drain or repair breaches made in any lands now dyked in the manner directed and prescribed by the Act of which this is an amendment.

CAP. V.

For Acts on this subject, see note on 32d Geo. 2d. cap. 17.

An ACT to render and make valid, certain Marriages, heretofore solemnized before Magistrates, and other Lay Persons.

Preamble.

WHEREAS *in some parts of this Province, owing to the remote situation of the inhabitants from any Clergyman, in the early settlement of the same, divers marriages have been heretofore irregularly solemnized, before Magistrates, and other Lay Persons, otherwise than as by law required:*

Marriages before Magistrates and Lay Persons, made valid.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted*, That all marriages heretofore solemnized before Magistrates, and other Lay Persons, in the presence of one or more credible witness or witnesses, and where the parties so married, have co-habited together, shall be deemed, and taken, lawful, and of as much force and validity, as if the same had been solemnized before a Minister of the Church of England, with all the forms required by law.

Issue of such marriages made legitimate.

II. *And be it further enacted, by the authority aforesaid*, That the issue of such marriages, hereby made valid, shall be, and the same are hereby made, legitimate, to all intents and purposes whatsoever.

Magistrates, &c. who have solemnised such marriages, indemnified from penalty

III. *And be it further enacted*, That all Magistrates, and other Lay Persons, who before the publication of this Act, shall have solemnized any of the marriages, which are hereby enacted to be valid, shall be, and they are, hereby indemnified against the penalties, to which they are otherwise by law subject.

CAP.

CAP. VI.

An ACT in addition to, and amendment of, an Act, made in the Fifth year of the reign of His present Majesty, entitled, an Act to enable the Inhabitants in the several Townships in this Province, (Halifax excepted) to cause any absent proprietor of lands within the same, to pay a dividend or proportion of any County or Town Charge, to be assessed according to law, and to bear their just proportion in repairing highways, roads and bridges, within the said Townships respectively.

For Acts on this subject, see note on 5th Geo. 3d. cap. 5.

Preamble.

WHEREAS *the Act above mentioned, has been found by experience, insufficient for effecting the salutary purpose for which it was intended, and it is just and necessary to the improvement of the Province, that the lands of absent proprietors should be made more effectually liable to the payment of the rates and taxes assessed upon them, and of their proportion of the expence of repairing highways, roads and bridges:*

Lands made liable for the payment of Taxes.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the publication of this Act, when no person shall appear to pay the rates and taxes, assessed on any tract or parcel of land, or to perform his proportion of highway labour for the same, and no goods or chattels can be found on the premises, or within the county, whereon to levy an execution or distress for the payment of such rates and taxes, or the fine for the non-performance of such highway labour, the Collector of all rates and taxes for the district, in which such land shall be situate, or the Surveyors of Highways for such district, shall report to the Justices of the Peace for the county, in which such district may be, in their Spring Session, the amount of such rates, taxes, and fines; and it shall and may be lawful for the said Justices to order the Clerk of the Peace for the said county, to advertise to be let, such lands, for the space of three months, in the most public places, in the county and township, wherein such lands may be situated; and if no person shall be found willing to give as much for the hire of the same for one year, as the amount of the rates, taxes, and fines, as above, with reasonable charges for advertising the same, then it shall and may be lawful, upon representation for that purpose, by the said Clerk, to the Supreme Court, for the said Court in all such cases to direct a sale to be made at public auction, to the highest bidder, of so much of the delinquent's lands as shall be sufficient to pay the amount of his, or their, said rates, taxes and fines, together with the charges of such sale, and good and sufficient deed or deeds of conveyance of the land so sold, to be made and executed, by, and in the name of, such Clerk of the Peace respectively, reasonable means having been previously used by the said Court, according to its discretion, for the ascertaining of the proprietor, and for the enabling of him by due notice, to prevent the necessity of such sale, by satisfying the said charges and expences, with the costs attending such enquiry and notice as aforesaid.

Disposal of the surplus of the monies arising from the sale of lands.

Provided always, That if the rents or proceeds on the sale of such lands, shall be more than sufficient to pay and defray the amount of such rates, taxes and fines, with all reasonable costs and charges attending the rating, taxing, advertising, letting or selling, the same, the surplus shall be paid to the proprietor of such lands, or any persons duly authorised to receive the same; and if no such person shall appear to claim the same, for the space of three years, such surplus having been previously paid into the Treasury of the county or district, wherein such lands may be situated, shall there remain to be applied to such public purposes as the Justices of such county or district in their Session shall think meet.

II.

Penalty for Collectors neglecting to report delinquents.

II. *And be it further enacted*, That if any Collector of Taxes, or Surveyors of Highways, ſhall, previous to the expiration of his office, neglect to make report in manner as herein before directed, he ſhall forfeit the ſum of two pounds, to be applied to the relief of the Poor of the townſhip for which he ſhall be choſen, and if any Clerk of the Peace ſhall refuſe or neglect to make ſuch repreſentation as is herein before directed, he ſhall forfeit the like ſum, to be applied to the ſame uſe.

CAP. VII.

An ACT for extending to the ſeveral Towns of Windſor, Annapolis and Lunenburg, the Proviſions of an Act, paſſed in the ſecond year of the Reign of his preſent Majeſty, entitled, an Act for appointing Firewards, aſcertaining their Duty, and for puniſhing Thefts and Diſorders, at the Time of Fire; and alſo, of the ſeveral Acts made in addition to, or amendment of, the ſaid Act.

For Acts on this ſubject, ſee note on 2d Geo. 3d. cap. 5.

Preamble.

WHEREAS *it is expedient and neceſſary, that the ſeveral proviſions contained in the Act, paſſed in the ſecond year of the reign of his preſent Majeſty*, entitled, An Act for appointing firewards, aſcertaining their duty, and for puniſhing thefts and diſorders at the time of fire; and alſo the ſeveral Acts, made in the twenty third, twenty eighth, and thirtieth years, of his ſaid Majeſty's reign, in addition to, or amendment of, the ſaid Act, ſhould be extended to the towns of Windſor, Annapolis and Lunenburg.

Act for appointing Firewards extended to Windſor, Annapolis, and Lunenburg.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly*, That from and after the publication hereof, the ſeveral matters, clauſes and things, ſpecified and contained in the ſaid before recited Acts, ſhall be, and the ſame are hereby extended to the ſeveral towns before mentioned. *Provided always*, that it ſhall be lawful for the Juſtices in their Seſſions, to aſſign the limits within which the inhabitants of the reſpective towns abovementioned, ſhall be liable to make good loſſes ſuſtained, and recoverable, under the firſt of the above recited Acts, as hereby extended; any thing, in the preſent Act, to the contrary notwithſtanding.

CAP. VIII.

An ACT to enable the Deputy Surveyors of this Province, to adminiſter an Oath, or Affirmation if Quakers, to ſuch Perſons as may be employed under them, as Chain Bearers in meaſuring Lands.

Preamble.

WHEREAS *the Surveyor General of lands has ordered his deputies not to proceed on the ſurvey of lands, until the chain men, to be employed under him for that purpoſe, have been ſworn to the faithful diſcharge of their duty. And whereas it frequently happens, that perſons employed as chain bearers in laying out lands, are under the neceſſity of travelling a great diſtance, in order to have an oath adminiſtered to them, by ſome one of His Majeſty's Juſtices of the Peace, previous to their, the ſaid chain bearers, proceeding to aſſiſt in laying out ſuch lands, which is attended with expence and inconvenience: for remedy whereof:*

Adminiſtering of Oaths to Chain Men.

I. *Be it enacted, by the Lieutenant Governor, Council and Aſſembly*, That from and after the publication of this Act, it ſhall and may be lawful for all Surveyors who are, or may be appointed by the Surveyor General of Lands, as his deputies, where there is no Juſtice of the Peace within

two

two miles of the place, where any survey is to be made, to administer an oath, or affirmation, as the case may require, to their chain men, before they proceed upon the same, that they will well and truly perform that service, according to the best of their skill and judgment, and according to the directions they shall receive from the said deputy Surveyor or Surveyors.

II. *And be it further enacted*, That no Justice of the Peace, shall exact or take any fee or reward for administering any oath, provided for by this Law. No fee for administering oath by a Justice to be taken.

CAP. IX.

An ACT to enable the Inhabitants of the Town of Annapolis, and the Officers of His Majesty's Garrison, stationed for the time being in the said Town of Annapolis, annually to nominate and appoint Supervisors, to take charge of the Common appertaining to the said Town, and for other purposes therein mentioned.

For Acts on this subject, see note on 34th Geo. 3d. cap. 12.

WHEREAS *the inhabitants of the town of Annapolis, in the county of Annapolis, have, at a very great expence, dyked a marsh, situated north of the said town of Annapolis, and which marsh was reserved, in and by His Majesty's letter patent, to Erasmus James Philips, and others, bearing date the sixth day of September, in the year of our Lord, 1759, as a perpetual common, (or pasturage to, and amongst, the said grantees, and all the inhabitants in the town of Annapolis, and garrison of the fort of Annapolis.) And whereas it will tend greatly to the advantage of the proprietors of the said common, to have proper persons annually nominated, to take charge of the said marsh, and to make rules and regulations for the government of each person, having a right of common in the said marsh:* Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That it shall and may be lawful, for the Grand Jury of the county of Annapolis, annually, at the Spring Court of Sessions of the Peace, to nominate four of the inhabitants of the town of Annapolis, as supervisors of the said marsh, out of whom the said Court of Sessions of the Peace, shall appoint two, to be supervisors for the year then next ensuing, who shall respectively be sworn to the faithful discharge of their duty hereafter set forth, in and by this Act. Appointment of supervisors of the Common of Annapolis.

II. *And be it further enacted, by the authority aforesaid*, That the commanding officer of the garrison of Annapolis, for the time being, if a commissioned officer, shall be a third supervisor for the purposes hereinafter expressed, and if at any spring Court of Sessions aforesaid, there shall be no commissioned officer belonging to the said garrison, stationed at Annapolis, then, and in such case, the said Grand Jury shall nominate six of the aforesaid inhabitants as supervisors aforesaid, out of whom the said Court of the Sessions of the Peace shall appoint three to be supervisors for the year next ensuing, which said supervisors are hereby impowered and directed to meet and convene together, from time to time, as occasion may require, to view, consider, consult, and order such ways and methods for repairing the dykes, and aboiteaux, and ditches of the said marsh, and for fencing the same, or repairing the fences thereof, and to assess and tax each and every person, entitled to commonage in the said marsh, his equal proportion of labour, in, and towards the same, and from time to time, as occasion may require, to call on such person or persons for the performance thereof. The Commanding officer of the Garrison of Annapolis, if a commissioned officer, to be also appointed a Supervisor. Duty of Supervisors.

III. *And be it further enacted, by the authority aforesaid*, That each and every person disobeying, or refusing to comply with, such order, assessment or tax, shall forfeit, for each and every day's manual labour so ordered, assessed or taxed, the sum of five shillings; and for each and every day's labour of his horse or horses, oxen, cart or waggon, the sum of ten shillings; to be recovered Penalty for persons disobeying the orders of the Supervisors.

recovered before any of His Majesty's Justices of the Peace, in and for the County of Annapolis, on the oath of one of the said supervisors, that such person had been duly notified to perform such labour, and had neglected and refused to do the same: the forfeiture arising from such conviction to be applied to the purpose for which the person convicted had been assessed.

Advertisement for the opening of common.

IV. *And be it further enacted*, That the said supervisors shall annually, by public advertisements put up in three of the most public parts of the the town, direct and appoint the day when the said marsh shall be opened for pasturing, and direct and appoint the day when the cattle, appertaining to the commoners, shall be taken out of the marsh, and no longer permitted to pasture there, until the ensuing spring, and next notification; and the said supervisors shall annually, in the said advertisements, specify how many head of cattle each commoner shall be permitted to depasture in the said marsh; and shall appoint a keeper of the said marsh, who shall have power to turn out, or impound, the cattle of any commoner, put into the said marsh, contrary to the said advertisement, or over and above the number specified by the said supervisors, which said keeper, for his care and trouble in and about the said marsh, shall, and is hereby exempted from any expences, assessments or taxes, which may accrue, or arise in, about or concerning, the said marsh, during the time of his being keeper aforesaid.

Appointment of keeper.

And whereas it is reasonable and just that such persons as hereafter may become inhabitants of the town of Annapolis, and consequently entitled to a right of common in the said marsh, should pay a rate or proportion for the expences already incurred in, and about, the dyking, ditching and fencing the same:

£5. to be advanced by each proprietor.

V. *Be it therefore enacted, by the authority aforesaid*, That each and every person, not an inhabitant of the town of Annapolis aforesaid, (His Majesty's officers of the garrison of Annapolis, and persons claiming by descent, devise or conveyance, from and under any of the present proprietors, excepted) on the first day of the publication of this Act, shall, previous to his being entitled to a right of common in the said marsh, pay, or cause to be paid, to the supervisors for the time being, the sum of five pounds, which said sum shall be applied by the said supervisors, in, and towards the keeping in repair the said dykes, ditches, aboiteaux and fences, and for the purpose of purchasing stationary for the use of the said supervisors.

Account of fines, forfeitures, admission, payment &c. to be kept in a book.

VI. *And be it further enacted*, That the said supervisors shall keep a book, wherein all fines, forfeitures and admission payments, shall be entered, and the expenditures thereof accounted for, and a journal of their meetings and proceedings regularly kept, which book shall be ready and opened for the inspection of any commoner on demand, and from year to year transmitted by the supervisors, for the time being, to their next succeeding supervisors.

First Supervisors named.

VII. *And be it further enacted*, That David Seabury, and Joseph Winniet, Esquires, shall be supervisors as aforesaid, for the purposes herein before expressed, until the next General Court of Sessions of the Peace, for the County of Annapolis, to be holden at Annapolis aforesaid, on the first Tuesday of April, in the year of our Lord one thousand seven hundred and ninety four.

CAP. X.

An ACT to enable the Sheriffs of the ſeveral Counties in this Province, to adminiſter the Oath or Oaths, or if to a Quaker, Affirmation, by Law required to be adminiſtered to ſuch Perſon or Perſons, as the ſaid Sheriffs may reſpectively have occaſion to employ as Appraiſer or Appraiſers of Goods, Chattels, Lands, or other real Eſtates by them attached on *meſne proceſs*, or taken in Execution.

For Acts on this ſubject, ſee note on 23d Geo. 3d. cap. 1.

WHEREAS *inconveniences have been experienced from the Sheriffs in their reſpective counties, not being authorized to adminiſter the oath or oaths by law required to be taken, by perſons whom they are obliged to employ to appraiſe goods, chattels, lands, or other real eſtates, by them attached on* meſne proceſs *or taken in execution:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Aſſembly, and it is hereby enacted*, That from and after the publication hereof, it ſhall and may be lawful for the Sheriffs, in the reſpective counties, to adminiſter the oaths, or if to a Quaker, the affirmation, by law required to be taken, by all and every perſon or perſons, whom they ſhall from time to time have occaſion to employ, in appraiſing goods, chattels, lands, or other real eſtates, by them hereafter to be attached on *meſne proceſs*, or taken in execution. Sheriffs authoriſed to adminiſter oaths to perſons employed by them as appraiſers.

CAP. XI.

An ACT in addition to, and amendment of an Act, paſſed in the Twelfth year of the reign of His preſent Majeſty, entitled, An Act declaring what ſhall be deemed Merchantable Timber, for Exportation to Great-Britain.

See 12th Geo. 3d. cap. 3.

WHEREAS *by experience it is found, that the Act, declaring what ſhall be deemed merchantable ſquare timber for exportation, is inſufficient for the purpoſes intended:* Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Aſſembly*, That from and after the firſt day of December next, all ſquare ſtrait timber, thereafter to be exported from this Province to Great-Britain or Ireland, ſhall be truly lined, well ſquared, and ſquare butted at both ends, ſhall have not more than one inch wein thereon, ſhall have no appearance of the narrow axe ſcoring left, to be detrimental to the ſtick, and ſhall not have any rots, ſplits, or worm holes therein; and if the ſticks or joints are ſixteen feet in length, or under, ſhall be of equal dimenſions at both ends, and that no joints or ſticks of pine or ſpruce timber, ſhall be leſs than twelve feet in length, or of birch, or other wood, commonly called hard wood, ſhall be leſs than four feet in length. And if any perſon or perſons from and after the firſt day of December next, ſhall ſurvey and certify, as merchantable for the Britiſh or Iriſh market, or ſhall export from this Province to Great-Britain or Ireland, any ſquare timber, as aforeſaid, not anſwering the above deſcription, every perſon or perſons ſo offending, ſhall forfeit a ſum not exceeding ten pounds, for each and every offence, to be recovered by bill, plaint, or information, in any Court of Record within this Province, the one half to the uſe of His Majeſty, His heirs and ſucceſſors, the other moiety to him, or them, who will ſue for the ſame. Exportation of Timber to Great-Britain or Ireland. Size of Timber, for exportation, eſtabliſhed. Penalty for falſe ſurvey, and for exporting unmerchantable Timber.

II. *And be it further enacted, by the authority aforeſaid*, That the Surveyor or Surveyors of all Allowance to Surveyors.

all such Timber, shall be paid, and receive, two pence per ton, with reasonable travelling charges for their trouble in surveying, and no more.

CAP. XII.

An ACT for extending an Act, passed in the Thirty-second year of the reign of his late Majesty, entitled, an Act to prevent unnecessary firing off Guns, and other Fire Arms, in the Town and Suburbs of Halifax, to the Town Plot of Dartmouth.

For Acts on this subject, see note on 32d Geo. 2d. cap. 2.

Preamble.

WHEREAS *it is deemed necessary for the safety of the inhabitants of the town plot of Dartmouth, that an Act passed in the thirty-second year of the reign of His late Majesty, entitled,* An Act to prevent unnecessary firing off Guns, and other Fire Arms, in the Town and Suburbs of Halifax, *should be extended to the said town plot of Dartmouth:*

Act to prevent unnecessary firing off Guns in the town of Halifax, &c. extended to Town Plot of Dartmouth.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That every matter, clause and thing, contained in the above recited Act, shall be, and the same is hereby extended to the said town plot of Dartmouth.

CAP. XIII.

An ACT for providing for the Support of His Majesty's Government in this Province, by laying an additional Duty on Wine, Rum, and other Articles herein mentioned, and for encouraging the Agriculture, Fisheries, and Commerce of this Province.

For Acts on this subject, see note on 32d Geo. 3d. cap. 13.

BE *it enacted, by the Lieutenant Governor, Council and Assembly, and it is hereby enacted,* That from and after the publication hereof there shall be raised, levied, collected, and paid to His Majesty, His heirs and successors, for the support of the government of this Province, on all wine, rum and other distilled spirituous liquors, and brown sugar (maple sugar excepted) hereafter to be imported into, or manufactured within, this Province, the additional rates, duties and impositions, herein after mentioned, and upon all molasses, coffee, porter, beer, loaf sugar, gun-powder and teas, which shall hereafter be imported into, or manufactured within, this Province, the respective rates, duties and impositions, herein after mentioned, that is to say:

Additional duties on wine, rum, &c. and brown sugar.

Duties on molasses, coffee, porter beer, loaf sugar, gun-powder and teas.

Duty on rum or spirits. For and upon every gallon of rum, and other distilled spirituous liquors, six pence.

On wine. For and upon every gallon of wine, nine pence.

On molasses. For and upon every gallon of molasses, one penny.

On brown sugar. For and upon every hundred weight of brown sugar, two shillings and six pence.

On Coffee. For and upon every pound of coffee, one penny.

On refined sugar. For and upon every pound of refined sugar, one penny and one halfpenny.

On gun-powder. For and upon every pound of gun-powder, two pence.

On bohea tea. For and upon every pound of bohea tea, one penny.

On other teas. For and upon every pound of all other teas, four pence.

Duty on porter, or beer, per hhd. and doz. bottles. For and upon every hogshead of porter, or beer, seven shillings and six pence.

For and upon every dozen bottles of porter, or beer, six pence: to be paid by the importer thereof.

II. *Be it further enacted, by the authority aforesaid,* That if any person or persons shall, from and

and after the publication hereof, export out of this Province any wine, rum or other distilled spirituous liquors, or brown sugar, such person or persons shall be entitled to have credit for, or to be repaid, the whole amount of the additional rates and duties herein above mentioned, and hereby imposed and laid; upon the same terms and conditions, from the same person and persons, for the same quantities, and upon the same certificates, as he or they shall or may be entitled to have credit for, or to be repaid, five sixth parts of the rates and duties imposed and laid on wine, rum and other distilled spirituous liquors, as are prescribed, mentioned, named and expressed, in an Act, passed in the present session of this General Assembly, entitled, An Act for granting to His Majesty certain duties on wine, rum and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal of the public debt of this Province.

Drawback on the exportation of wine, rum, &c. and brown sugar.

III. *Be it further enacted, by the authority aforesaid*, That if any person or persons shall, from and after the publication hereof, export out of this Province any quantity of molasses, exceeding one thousand gallons; any quantity of coffee, exceeding five hundred pounds weight; any quantity of bohea tea, exceeding three hundred pounds weight; any quantity of other kinds of tea, exceeding two hundred pounds weight; any quantity of porter or beer, exceeding six hogsheads, or sixty dozen bottles; any quantity of refined sugar, exceeding five hundred pounds weight; any quantity of brown sugar, exceeding ten hundred pounds weight: such person or persons shall be entitled to, and shall have credit for, or be repaid, the five sixth parts of the rates and duties herein above mentioned, and hereby imposed thereon, upon the same terms and conditions, and from the same person and persons, and upon the like certificates, as persons exporting wine, rum and other distilled spirituous liquors, and brown sugar, are entitled to have credit for, or to be repaid, five sixth parts of the rates and duties laid and imposed on wine, rum and other distilled spirituous liquors, and brown sugar, in and by the herein before recited Act, entitled as aforesaid, by virtue of the said Act.

Drawback on the exportation of molasses, coffee, teas, porter or beer, and sugar.

IV. *Be it further enacted, by the authority aforesaid*, That if any merchant, distiller or other person or persons, shall supply and deliver for the use of His Majesty's army, navy or careening-yard, any rum or other distilled spirituous liquors, in the manner, and for the purposes in the herein before recited Act mentioned; such merchant, distiller or other person shall be entitled to, or have credit for, the rates and duties by this Act imposed and laid thereon, in the same manner, upon the same oaths and certificates, as he or they shall or may be, by the said recited Act, entitled to have credit for, or be repaid, the rates and duties by the said recited Act imposed and laid.

Persons supplying rum, &c. for the Navy or Army, entitled to drawback.

And whereas it is highly necessary for promoting the agriculture, fisheries and commerce, of this Province, that merchants, traders and others, who shall export the produce or manufactures of the Province, to the West-Indies, or other parts beyond the sea, and who shall bring back the produce of the West-Indies in return for the same, should have some encouragement for carrying on a trade so beneficial to this country:

V. *Be it therefore enacted, by the authority aforesaid*, That from and after the publication hereof there shall be paid, levied and collected, to the use of His Majesty as aforesaid, on all rum, molasses, brown sugar and coffee, which hereafter shall be imported into this Province, the further additional rates, duties and impositions, herein after mentioned, over and above the duties herein before, or by any former or other Act, imposed thereon: unless one full third part of all such rum, molasses, brown sugar and coffee, shall have been purchased with the proceeds of the produce or manufactures of this Province, to be exported as herein after directed; and unless such rum, molasses, brown sugar and coffee, shall be imported in a vessel or vessels owned by an inhabitant or inhabitants of this Province, resident therein, and who shall have resided therein at least six months previous to such importation, or by any firm or trading company, any of the partners of which have resided as aforesaid, which said further rates, duties and impositions, are as follows, to say:

Further additional rates on rum, molasses, brown sugar and coffee unless purchased with the produce of this Province, and imported in a vessel owned by an inhabitant.

For

Further duty on rum or spirits.

For and upon every gallon of rum, and other distilled spirituous liquors, one third part of which gallon of rum, or other distilled spirituous liquors, shall not have been purchased with the produce of the Province, and imported as aforesaid in the same, three pence.

On molasses.

For and upon every gallon of molasses, one third of which shall not have been purchased and imported as aforesaid, one penny.

On brown sugar.

For and upon every hundred weight of brown sugar, one third of which shall not have been purchased and imported as aforesaid, two shillings and six pence.

Duty on coffee.

For and upon every pound of coffee, one third of which, shall not have been purchased and imported as aforesaid, one penny; which said several rates, duties and impositions so imposed, and herein last before mentioned, shall be levied, received and collected, by the Collector or Collectors for that purpose appointed, on the importation of such rum, molasses, sugar and coffee. *Provided always*, That if any person or persons, British subjects, bringing the produce of the West-Indies to this Province, in vessels owned as aforesaid, and on which produce the several duties, by this law, shall have been paid or secured, shall in six months after such importation shall be made, export the produce of this Province, in the bottom or vessel, in which such importation shall have been made; it shall and may be lawful for the Commissioners of the Revenue, appointed by the appropriation Act of this present Session of General Assembly, upon due proof being made of such export, and the value thereof, to approve of any claim or claims, for re-payment of the whole of the aforesaid duties, as it shall appear that such claimant making the said export, shall have paid or secured, on so much of his inward bound cargo, as shall be equal in value to the cargo exported from the Province, for the payment of which sum, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, is hereby authorised, upon a certificate or certificates from the said Commissioners for such purpose, to grant a warrant upon the Treasury.

To be levied and paid, on the importation.

British subjects entitled to drawback of these duties, when the produce of the Province is sent in return for the amount of the articles imported.

Duties, how collected.

VI. *Be it further enacted, by the authority aforesaid*, That all rates, duties, and impositions by this Act imposed and laid, on all and every the articles herein enumerated, shall be raised, levied, collected, and paid to His Majesty, His heirs and successors, by the ways, means, methods, rules, provisions and directions, and under the penalties and by the Collectors prescribed, mentioned, named, and expressed in, and by the before recited Act, entitled, An Act for granting to His Majesty, certain duties on wine, rum and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal of the public debt of this Province.

Owners and masters of ships exporting produce of this Province, how to proceed to obtain drawback on the returns.

VII. *Be it further enacted, by the authority aforesaid*, That every owner, or master of any ship or vessel, who shall ship and export any goods or merchandise whatsoever, the produce or manufacture of this Province, and who intends to obtain an exemption of the duties herein last before imposed, on rum, molasses, sugar and coffee, one third of which shall not have been purchased with the produce or manufacture of the Province, such owner or master, at the time of shipping and exporting such goods and merchandise, the produce or manufacture of the Province, shall deliver to the Collector of Impost and Excise for the district wherein such export and shipment shall be made, an invoice of the articles, goods or merchandise so to be shipped, specifying the quantities of each article so shipped, and the owner or master so making such shipment and export, shall, at the foot of such invoice, make and subscribe the following affidavit, or if a Quaker, affirmation, viz.

Oath to be made of the exporter.

I A. B. do swear or affirm that the foregoing invoice is just and true, and that the several articles specified therein are now actually shipped on board the bound for and also that the several articles therein specified have been actually and truly purchased, or otherwise procured, by me within this Province.

Which

Which invoice and affidavit, or affirmation, shall be filed with such Collector or Collectors; and no rum, sugar, molasses or coffee, shall be exempted from paying such additional rates and duties as are herein last before mentioned, unless such rum, sugar, molasses and coffee, shall be imported into this Province within eighteen months from the time that the produce or manufactures of this Province shall have been exported, with the proceeds of which produce, or manufactures, one third of such rum, sugar, molasses and coffee, shall have been purchased.

Invoice and affidavit, to be filed by the Collector.

No rum, sugar, molasses and coffee, exempt from duty, that is not imported in eighteen months after the exportation of the produce of this Province.

VIII. *And be it further enacted, by the authority aforesaid*, That every owner or master of any ship or vessel, who shall import into this Province, any rum, molasses, sugar, and coffee, which such master or owner, shall require to be freed from the said last mentioned additional duty, by reason of one third of such rum, sugar, molasses or coffee having been purchased with the produce of the Province, such master or owner, shall within twenty four hours, after such importation, deliver to the Collector of Impost and Excise, for the district, an invoice specifying therein, the quantity of such rum, sugar, molasses, and coffee, and shall at the foot of such invoice, make and subscribe the following affidavit, or affirmation, viz.

Owners or masters of ships, importing rum, molasses, sugar and coffee, & requiring an exemption from duties, to deliver an invoice, and make oath to the Collector, within twenty-four hours after importation made.

I A. B. Do swear or affirm, that the foregoing invoice is just and true, and that the several articles specified in such invoice, are actually owned, and belong to of in and that one full third part in value of the several articles mentioned in such invoice, were actually, and truly purchased with the proceeds of certain goods, and merchandises, the produce or manufacture of the Province, shipped on board the whereof was master at the Day of 17. as will more fully appear, by the invoice and affidavit, thereunto annexed, which invoice and affidavit or affirmation, is lodged in the hands of the Collector of in this Province; and I do further swear, or affirm, that who is, or are, an inhabitant or inhabitants within this Province, and whose place of residence has been at within the same for six months last past, is or are the owner or owners of the ship or vessel, called the on board of which the several articles, contained in the said invoice, are imported.

Form of the oath.

And it shall and may be lawful, for the Collector of Impost and Excise, for the district to free so much of the rum, sugar, molasses or coffee, so imported or specified in such invoice, as shall amount to two third parts more in value than the proceeds of the goods, wares, and merchandises, the produce or manufacture of the Province, so exported as aforesaid, shall have sold for at the place where the same shall have been sold, or disposed of.

Duty to be taken off.

IX. *Be it further enacted by the authority aforesaid*, That if any Collector, or Collectors of Impost or Excise in this Province, shall exempt or free any rum, sugar molasses or coffee from the said additional duties, herein last before imposed thereon, without the several requisites herein before specified, having been fully complied with by the master or owner, claiming such exemption, and without it fully appearing to such Collector or Collectors, that such rum, sugar, molasses, or coffee, is by this Act exempted from such additional duty, such Collector or Collectors, for every such offence, shall forfeit and pay the sum of two hundred pounds, the same to be recovered by any person, who will sue for the same in any of His Majesty's Courts of Record within this Province, and any person or persons, who make any declaration by this Act required to be made on oath, or affirmation, which declaration, when made on oath, or affirmation, shall be in any respect false, or untrue, such person or persons, on due conviction thereof, shall suffer the pains and penalties by law appointed for persons guilty of wilful and corrupt perjury.

Penalty for Collector acting contrary to this Act.

Penalty for persons taking false oaths.

X. *And be it further enacted by the authority aforesaid*, That on the importation of any rum or other distilled spirituous liquors, or any sugar, into this Province, subject to the duties in the said Act specified after the same shall be exactly guaged and weighed, the Collector of Impost

Allowance for waſtage.

Impoſt and Exciſe for the diſtrict, wherein ſuch importation ſhall have been made, ſhall deduct five per cent. for the net weight or quantity of the ſaid articles, ſo imported, which ſhall be in lieu of all other allowances heretofore made, by any of the revenue laws of this Province, on account of leakage or waſtage.

And in order to prevent frauds from being committed on the revenue of this Province, in certain of the out ports, by maſters and owners of veſſels; for remedy whereof:

Veſſels not to paſs the town plot of Digby, to unload at Bear or Mooſe River, &c. without ſecuring the duties at Digby.

XI. *Be it enacted by the authority aforeſaid*, That no ſhip or veſſel entering the Gut of Annapolis, ſhall paſs the town plot of Digby, to unload at Bear River, or Mooſe River, or in the creeks in the lower part of the townſhip of Granville, or at any other place or places, between the town plot of Digby aforeſaid, and the the town plot of Annapolis, without having firſt made an entry of the whole, and ſecured the duties, by law required to be paid, on the dutiable articles in ſuch ſhip or veſſel, with the Collector of Impoſt and Exciſe, in the ſaid town plot of Digby, nor ſhall any ſhip or veſſel, entering the Gut of Annapolis aforeſaid, paſs the town plot of Annapolis, to unload at any place or places, further up the ſaid river, or to the northward or eaſtward of the ſaid town plot of Annapolis, without firſt having made an entry of and ſecured the duties by law required to be paid, on the whole of the dutiable articles, in ſuch ſhip or veſſel, with the Collector of Impoſt and Exciſe, in the ſaid town of Annapolis.

Veſſels not to paſs the town plot of Annapolis, to unload further up, without ſecuring the duties at Annapolis.

Repeal of former Revenue Acts.

XII. *Be it further enacted, by the authority aforeſaid*, That an Act paſſed in the thirty-ſecond year of the reign of His preſent Majeſty, entitled, an Act, for raiſing an additional duty of exciſe, on rum, and other diſtilled ſpirituous liquors, and for amending and continuing the ſeveral laws, for raiſing a revenue herein after mentioned, and each and every Act and Acts, therein mentioned, expreſſed, referred to, enumerated or continued, except ſuch part thereof, as relates to the continuing two ſeveral Acts, entitled, An Act for the better ſupport of the poor, in the reſpective counties within this Province, by laying an impoſt duty on all articles imported into this Province, from the United States of America; and An Act for ſuppreſſing unlicenſed houſes, and for granting to His Majeſty, a duty on perſons hereafter to be licenſed; and every matter, clauſe, thing and things therein, or in either of them contained, except as before excepted, ſhall be, and the ſame are hereby repealed, and no longer in force or virtue.

Duration of Act.

XIII. *And be it further enacted, by the authority aforeſaid*, That this Act, and every matter and clauſe, therein contained ſhall be, and continue, and the ſame is hereby continued in force, until the firſt day of July, which will be in the year of our Lord, one thouſand, ſeven hundred, and ninety-four.*

* This Act is continued to the preſent time, by ſubſequent Acts.

CAP. XIV.

This Act expired

An ACT to continue in Force, the ſeveral Acts herein mentioned.

CAP. XV.

An ACT, to amend an Act, paſſed in the Thirty ſecond Year of the Reign of his preſent Majeſty, entitled, an Act, to prevent the Windſor and Hammond Plain Road, being injured by heavy loaded Carriages.

Preamble

WHEREAS *inconveniences have been experienced, by the aforeſaid Act, from its being difficult to carry heavy loads, on carriages with wheels, the felloes of which, are nine inches broad*:

I. *Be*

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That after the publication hereof, it shall and may be lawful, for any person or persons, to pass and repass, on the said roads with carts, trucks, waggons or other wheel carriages, drawn by one horse, laden with logs, timber, and any other kinds of lumber, with wheels, the felloes of which, are of a less width, than nine inches, the said law or any other law, to the contrary notwithstanding. *Provided*, that all such carriages as aforesaid, drawn by more than one horse, shall have their felloes, of a width not less than six inches, and that this law shall continue for the space of one year, and until the end of the next Session of the General Assembly, and no longer.

Felloes of wheels of carts, &c. with one horse, may be of less width than nine inches. If drawn by more than one horse, not less than six inches.
Act continued for one year.
This Act continued by subsequent Acts to the present day.

CAP. XVI.

This Act was regularly continued, until 31st July, 1803, & is now printed from an opinion that it was suffered to expire by mistake, and probably will be revived by a subsequent Act.
For Acts on this subject see note on 33d. Geo. 2d. cap. 2.

An ACT in amendment of, and in addition to, an Act, made in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating and maintaining a Light-House on Sambro Island, and in addition to, and amendment of an Act, passed in the Twenty eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light House at the entrance of the Harbour of Shelburne.

Preamble.

WHEREAS *the several Laws heretofore made for maintaining the Light House erected on Sambro Island, and McNutt's Island, have proved ineffectual for that purpose, and many ships and vessels which derive great benefits by the said Light Houses, are not by the said Act compellable to pay any duty towards the support of them*:

Fishing vessels belonging to the Province, which do not come to Halifax or Shelburne within a year, shall pay 4d. per ton yearly, in the ports to which they belong.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That all registered vessels owned by any person or persons within this Province, and not wholly employed in the fisheries thereof, which shall not within one year to be computed from the first day of April in the present year, and yearly and every year afterwards, come into the port of Halifax or Shelburne, and in one of the said ports pay the duties by the herein recited Acts imposed, shall pay in such port, harbour or place, to which such vessels shall respectively belong, the sum of four pence per ton yearly and every year.

All vessels (His Majesty's ships of war and transports excepted,) coming into any port, not to the north eastward of Canso, and not owned in the Province, to pay the same duty, as those going into the harbour of Shelburne.

II. *And be it further enacted*, That every ship or vessel, his Majesty's ships of war and such transports or other vessels employed in his Majesty's service as shall by their charter party be exempted from paying port charges excepted, which shall from and after the publication hereof come into any port, harbour, creek, or river within this Province not being to the north eastward of Cape Canso, and not owned by some person or persons belonging to this Province, shall pay the same duty per ton as is payable by the above recited Act, entitled, an Act, for regulating and maintaining a Light House at the entrance of the harbour of Shelburne, upon every merchant's vessel coming into the said harbour of Shelburne.

Governor to appoint Collectors of the duties, in harbours to the southward and westward of Cape Canso.

III. *And be it further enacted, by the authority aforesaid*, That from and after the publication hereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, from time to time, and so often as he shall think proper, to appoint fit and proper persons Collectors of the said duties in the several ports, harbours, creeks and rivers in this Province, to the southward and westward of Cape Canso, and to describe the particular limits of such Collector or Collectors jurisdiction, in the commission or commissions to be granted for that purpose, and it shall and may be lawful for the said Governor, Lieutenant

Or may let to farm the whole or part of the duties.

Lieutenant Governor or Commander in Chief for the time being, if he shall think proper, to let to farm, to the highest and fairest bidder, the whole or any part of the said duties, and to take good security from such farmer or farmers for the faithful performance of his duty, and for the payment of the several sum or sums of money, at the times and in the manner in which such farmer or farmers shall have stipulated to pay the same. *Provided always*, that the said Governor, Lieutenant Governor, or Commander in Chief shall not at any time, let or farm the said duties or any part thereof, for a longer period than one year.

Duties not to be farmed longer than a year.

Persons having charge of vessel, refusing to pay the duties when demanded, shall forfeit and pay 5l. over and above the duties; to be recovered in any Court of Record.

IV. *And be it further enacted*, That if the master or person having charge of any vessel or vessels, being subject and liable to pay any duty or duties by virtue of this Act, shall after the publication hereof, after his arrival in any port or harbour of this Province, to the southward and westward of Cape Canso as aforesaid, the same being of him duly demanded, refuse to pay such duties, or shall depart with such vessel or vessels from, or out of the port or harbour, wherein he shall first arrive with such vessel, before or until he or they shall have paid and discharged the duties imposed by this Act on such vessel, such master or commander shall forfeit and pay over and above the said duty and duties, the sum of five pounds, to be recovered, together with such duty, by bill, plaint or information, in any of His Majesty's Courts of Record within this Province, one half of such penalty to the Collector or Collectors, Farmer or Farmers of the said duties, who shall sue for the same, and the other half thereof to be paid into the Treasury of the Province, for the support of the government thereof.

If person having charge of any vessel shall neglect or refuse to pay the duties, the Collector may seize and take the vessel into custody, and deliver her to the Collector of His Majesty's Customs, who shall detain her in custody, until the fine of 5l. with the duties, and all expenses are paid.

V. *Be it further enacted, by the authority aforesaid*, That if the master or person having charge or command of any ship or vessel, shall neglect after demand made of payment thereof, or shall refuse to pay the duties herein imposed and laid on such ship or vessel, it shall and may be lawful for any Collector or Collectors, by virtue of this Act to be appointed, to seize and take such ship or vessel into his custody, and to carry the same to the port nearest to the place where such seizure shall be made, and there to deliver up such vessel to the Collector or any other principal officer of His Majesty's Customs of such port, in whose custody such ship or vessel shall remain, until the aforesaid fine of five pounds, and the duties due and payable by virtue or this Act, together with all reasonable expenses shall be paid, or until good and sufficient security shall be given, by such master or person having charge or command of such ship or vessel, to abide by, and perform the judgment of the Court, in which the suit or prosecution for such duties and penalty as by this Act are inflicted and laid, shall be instituted and prosecuted.

Monies arising from duties to be applied to repairs of light-houses, &c.

Governor authorised to contract of light houses.

VI. *Be it further enacted, by the authority aforesaid*, That all the monies arising from the duties by this and the herein recited Acts, imposed and laid, shall be paid into the Treasury of this Province: to be applied to the repairing and lighting the said Light Houses, and in keeping and maintaining lights in the same; and it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief for the time being, to contract with any person or persons he shall think fit, for the repair of the said Light Houses, and keeping sufficient lights in the same, and to defray and pay the expence of lighting and repairing the said Light Houses, out of the monies arising from the duties by this Act imposed.

Ships owned by a company of merchants, whereof one is a resident freeholder, to pay same as vessel wholly owned by freeholders.

VII. *Be it further enacted, by the authority aforesaid*, That the ships and vessels owned by any firm or company of merchants, whereof one of the said firm or company shall be a resident freeholder within this Province, shall pay the same duty only, as if such ship or vessel was wholly owned by any freeholder or freeholders resident in this Province; any thing in the Acts contained of which this is an amendment, to the contrary notwithstanding.

Act continued to 1st July, 1796.

VIII. *And be it further enacted, by the authority aforesaid*, That this Act and every matter and clause therein contained, shall be and continue, and the same is hereby continued in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety six.

CAP

CAP. XVII.

An ACT to amend an Act, passed in the sixth Year of his present Majesty's Reign, entitled, an Act for regulating the Times and Places for holding the several Courts of Justice therein named, and also to enable the Supreme Court to alter and fix the Returns of Writs.

This Act continued to the present day.

WHEREAS *the time for holding the Supreme Court, in each of the terms at Halifax, is limited to fourteen days, from the opening of the same, unless in cases of unavoidable necessity, or that the multiplicity of business should require it; in which cases the Judges may, by the said Act, continue the same, for a time not exceeding six days longer, and whereas such limitation hath proved inconvenient:* Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted,* That it shall and may be lawful for the Justices of the Supreme Court to continue the several terms at Halifax for as many days, after the expiration of the fourteen days above described, as they shall, in their discretion, think fit, and during the same to enforce the attendance of the Petit Jury as convenience shall require, any law to the contrary thereof notwithstanding. Continuation of the Terms of the Supreme Court at Halifax.

II. *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said Supreme Court, by their order or orders, for that purpose hereafter to be made, to appoint any, and as many, return days for the return of writs and processes into the said Court, during the several terms by law directed to be holden, as shall be judged expedient. Return of Writs, &c.

III. *And be it further enacted,* That this Act shall continue and remain in full force for, and during, the space of one year, from and after the publication hereof, and until the end of the first Session of the General Assembly, then next following, and no longer. Act to continue for one year.

CAP. XVIII.

An ACT to revive a Law for impowering the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to prohibit the Exportation of Gunpowder, Arms, and Ammunition, or Salt-Petre, or the carrying the same Coastways.

The Act hereby revived is continued to the present day.

WHEREAS *by an Act, made in the fifteenth year of His present Majesty's reign, during the late disturbances in America, entitled,* An Act to impower the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to prohibit the exportation of gunpowder, arms and ammunition, or salt petre, or the carrying the same coastways, *it was enacted,* That it should and might be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty Council, to issue a proclamation for prohibiting, for such time as should be therein expressed, the exportation out of the Province or coastways, of any gun-powder, arms, ammunition or salt petre, except for His Majesty's use and service, unless by licence first obtained from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, or other person appointed by government for that purpose.

And that if any gun-powder, arms, ammunition or salt petre, should be shipped or laden on board any vessel for exportation, or be carried coastways, contrary to such proclamation so is- Preamble.

fued for prohibiting the exportation thereof, the ſame ſhould be forfeited: and the maſter of ſuch veſſel, or any other perſon or perſons concerned in ſhipping or lading any gun-powder, arms, ammunition or ſalt petre, ſhall forfeit and pay the ſum of fifty pounds: to be recovered in any of His Majeſty's Courts of Record in this Province, and applied one half to His Majeſty's uſe, and the other half to the informer. *Provided*, That nothing in the ſaid Act ſhould extend, or be conſtrued to extend, to any ſmall quantity of gun-powder, or ſmall arms, for the ſhip or veſſel's uſe.

And whereas the ſaid Act is ſince expired, and good policy requires that the ſame ſhould be now revived and continued, for a time to be hereinafter limited:

Act to continue for one year.

I. *Be it enacted, by the Lieutenant Governor, Council and Aſſembly*, That the above mentioned Act, and the ſeveral matters and things therein contained, ſhall be, and is, and are hereby revived, and to be in force for one year from and after the publication hereof, and until the end of the Seſſion of the General Aſſembly next following.

CAP. XIX.

Executed.

An ACT for applying Monies therein mentioned, for the Service of the Year of Our Lord One Thouſand Seven Hundred and Ninety Three, and for appropriating ſuch part of the Supplies granted in this Seſſion of General Aſſembly, as are not already appropriated by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, and continued by several Prorogations to the Sixth Day of June, Anno Domini 1794, in the Thirty-Fourth 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 Second Session of the Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Sir Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in addition to, and amendment of, an Act, passed in the Thirty first year of His present Majesty's reign, entitled, an Act to raise a Revenue for the purpose of paying off all such Debts as are now due by the Province, or which shall become due, before the first Day of July next, the Funded Debt only excepted, and also in addition to, and amendment of, an Act, passed in the Thirty-third year of His present Majesty's reign, to amend and render more productive the Act aforesaid. Expired.

CAP. II.

An ACT for the preservation of Sheep.

For Acts on this subject see note on 19th Geo. 3d. cap. 7.

WHEREAS *the increase and preservation of sheep will be of great advantage to the inhabitants of this Province, and for that purpose it is necessary that dogs, accustomed to kill sheep, and wolves, should be destroyed:* Preamble.

I. *Be it further enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the publication of this Act, if any person or persons shall keep any dog, which hath been known to kill, or accustomed to worry, sheep or lambs, after notice thereof, such person or persons shall forfeit and pay the sum of ten shillings to the owner of every sheep or lamb so killed as aforesaid, and shall also forfeit and pay the sum of three pounds for each and every offence: To prevent keeping dogs that destroy Sheep.

to

to be recovered before any of His Majesty's Justices of the Peace for the county where the offence shall be committed: the one moiety thereof for the use of the poor of the township or place where the offence is committed, and the other moiety to the person or persons prosecuting for the same.

To encourage the killing of Wolves.

II. *And be it further enacted, by the authority aforesaid,* That the Court of General Sessions of the Peace for each and every county and district within the said Province, upon recommendation of the Grand Jury of each county or district, shall and may establish rules and orders for encouraging the killing and destroying of wolves, and may grant such rewards for the same as they shall think fit and proper.

Mode of raising money for the payment of rewards for killing of Wolves.

III. *And be it further enacted, by the authority aforesaid,* That the Justices aforesaid, with the Grand Jury, shall have full power and authority to grant and assess upon each township or district, within their respective counties and districts, such sum or sums as shall be necessary to pay the rewards which shall be from time to time due by virtue of the rules and regulations as shall by them be established by virtue of this Act: the same to be assessed and collected in the same manner that county taxes are assessed and collected by the laws of this Province.

CAP. III.

An ACT to render valid, conveyances of Real Estates of married Women by them made, or to be made, during their coverture.

Preamble.

WHEREAS *it hath been usual for married women, entitled to real estates in this Province, to convey the same jointly with their husbands, during coverture, and no inconvenience hath been found to result therefrom:*

How conveyances heretofore made by married women, jointly with their husbands, made valid.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That all grants and conveyances heretofore made and executed by any married woman, jointly with her husband, of any lands or tenements lying within this Province, to which such married woman was in any way possessed of, or entitled to, shall be good and valid in law, as if the same had been made by a *feme sole*, or by any other person or persons whomsoever; *provided*, Such married woman hath, after the execution of such grant or conveyance, acknowledged before a Justice of the Peace, that she did voluntarily make and execute such grant or conveyance, without any compulsion or constraint of her husband.

How conveyances are hereafter to be made by married women.

II. *Be it further enacted, by the authority aforesaid,* That all grants and conveyances which shall hereafter be made by any married woman, jointly with her husband, of estates to which she is entitled, or in which she may have any present or future interest in her own right, or in any other way, or by any other means whatsoever, shall be good and valid in law, and of the same force and effect as if the same grants and conveyances had been made by a *feme sole*, or by any other person or persons whomsoever, any law, usage or custom, to the contrary notwithstanding. *Provided*, The deed or deeds, by which such grants or conveyances shall be made and subscribed by such married woman, shall have been acknowledged in the presence of a Judge of the Supreme Court of this Province, or any Justice of the Inferior Court of the county wherein such *feme covert* shall be or reside, or shall be after the execution thereof, acknowledged by such married woman, before such Justice, as her free act and deed, and to have been executed for the purposes in the said deed or deeds mentioned, and that the same was done without any force or compulsion from her husband.

If acknowledged before a Judge of the Supreme Court, or Justice of the Inferior Court.

And whereas it may so happen, that married women not residing within this Province, may be possessed of, or entitled to, lands and tenements within the same, and which they may be desirous of granting and conveying:

III. *Be it further enacted, by the authority aforesaid*, That grants or conveyances hereafter made by such married women of lands and tenements within this Province, shall and may be made agreeable to the mode herein before prescribed, and shall be made and subscribed in the presence of some or one of the Justices of a Court of Record of the county or place where such *feme covert* may reside at the time of her making such grant or conveyance as aforesaid, or by acknowledging the same as aforesaid, after the execution thereof.

Mode of conveying Lands belonging to married women not resident within the Province.

CAP. IV.

An ACT for the preservation of Partridges, and blue winged Ducks.

WHEREAS *the preservation of the before-mentioned species of birds, or fowls, during the time of their breeding, will be highly beneficial to the inhabitants of this Province:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That from and after the publication hereof, no person or persons whomsoever shall, under any pretence whatsoever, kill any partridge within this Province, from the first day of March until the first day of September, or any of that species of duck commonly called the black duck, or blue winged duck, from the first day of April, until the first day of August in any year.

To prevent the killing of Partridges and blue winged Ducks at certain seasons of the year.

II. *And be it further enacted, by the authority aforesaid*, That every person who shall take, kill or destroy, or who shall sell, or expose to sale, or who shall buy, or cause to be bought, any partridge, or black duck, or who shall have in his or her custody or possession, any dead partridge or black duck, within the respective times herein before mentioned, shall, for every partridge or duck so taken, killed, destroyed, sold, or exposed to sale, or found dead in his or her possession, forfeit the sum of ten shillings, for each and every offence: to be recovered on the oath of one or more credible witness or witnesses, or by the confession of the party before any one of His Majesty's Justices of the Peace for the county where the offence shall be committed: the same to be levied, with the lawful cost, either on the person or property of the offender, and to be paid to the informer.

Penalty for such as transgress.

III. *Provided always*, That nothing in this Act shall extend, or be construed to extend, to any indian, or other poor settler, who shall kill any partridge, or black duck, within the times herein before mentioned for his own use.

Act not to extend to any Indian, or other poor settler.

CAP. V.

An ACT for altering the Time of holding the Supreme Court in the County of Cumberland.

This Act altered by the 39th Geo. 3d. cap. 5.

CAP. VI.

An ACT for altering the Time of holding the Inferior Court of Common Pleas, and General Sessions of the Peace, for the County of Cumberland, in the Spring of the Year.

This Act altered by 36th Geo. 3d. cap. 3.

CAP.

CAP. VII.

An ACT in addition to, and amendment of, an Act, made in the Thirty-third year of His present Majesty's reign, entitled, an Act for granting to His Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest, and reducing the Principal, of the public Debt of this Province, and also to revive, amend, and render more effectual, an Act passed in the same Thirty-third year of His present Majesty's reign, entitled, an Act for providing for the Support of His Majesty's Government in this Province, by laying an additional Duty on Wine, Rum, and other Articles therein mentioned, and for encouraging the Agriculture, Fisheries and Commerce, of this Province.

For Acts respecting Revenue, see note on 29th Geo. 3d. cap. 14.

Preamble.

WHEREAS *it may happen that the rum, and other spirituous liquors, intended to be issued to His Majesty's navy, careening-yard or army, and for which a drawback of the duty paid or secured, is to be allowed, may be of higher proof than what the Contractor or his Agent may be bound to deliver by his contract, and may be reduced to the injury of the revenue:*

How drawback of duties on rum and other spirituous liquors, issued to His Majesty's navy, army, or careening-yard, shall be obtained.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That no merchant, distiller, or other person, shall hereafter be entitled to have credit for, or be repaid, any of the rates and duties by him secured or paid on any rum, or other spirituous liquors, which shall be by him supplied for the use of His Majesty's army, navy, or careening-yard, unless the same, shall, immediately upon the importation or manufacture thereof, be stored under the inspection of the Collector of Impost and Excise, and the Inspector and Searcher, in a proper ware-house, in the joint custody of the said Collector and Inspector, and the merchant, distiller, or other person or persons who shall supply the same, and unless such rum, or other spirituous liquors, shall be delivered out of such ware-house, to the person or persons authorised to receive the same, for the use of His Majesty's navy, army, or careening-yard, in the presence of such Collector and Inspector and Searcher, and unless the same shall also be immediately conveyed from the said store or ware-house, on board some one of His Majesty's ships of war, or into the careening-yard, or delivered over to the Commissary of His Majesty's army, in the presence of such Collector and Inspector and Searcher, and such rum and other spirituous liquors, shall also be subject, in all respects, to the restrictions and regulations, forfeitures and penalties, which such articles are made liable to, in case of their being entered for exportation out of the Province, and fraudulently relanded, in, and by the before-mentioned Acts, or either of them.

Persons not appearing to pay duties, within 24 hours after landing the articles, Collector impowered to dispose of so much, as will be necessary to discharge the same.

II. *Be it further enacted, by the authority aforesaid*, That in case no person shall appear to pay, or give security for, the rates and duties by the aforesaid Acts imposed on the said enumerated articles, within twenty-four hours after the same shall have been landed, guaged, and weighed, or reported, by the importer or distiller thereof, as therein required, it shall and may be lawful, for the Collector or Collectors of Impost and Excise, to take so much of the said enumerated articles, as shall by him, or them, be deemed sufficient to pay the whole duties upon such importation, store the same, and at the end of three months, if one fourth part of the said duties hath not been paid, conformable to the second section of the before recited Act, then, and in that case, to sell at public auction so much of the said articles in his or

their

their custody, as may be sufficient to discharge the first quarterly payment, and so in like manner at the end of every succeeding three months, until the whole duties aforesaid shall be discharged; and if any balance should then remain in the hands of the said Collector or Collectors, after deducting two pounds ten shillings per cent. for the Auctioneer's commissions, and a reasonable sum for storage, and other charges while in custody, to pay the same to the owner thereof.

Appointment of an Inspector and Searcher for the port of Halifax; his power, and duty.

III. *Be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint a fit and proper person, to be Inspector and Searcher of the Duties of Impost and Excise for the port of Halifax, to insure the better collection of the duties of Impost and Excise within the district of Halifax, who shall have full power to enter on board any ship or vessel, or into any house, store or place, and to make seizures for all purposes, and in all cases, in which the Collectors of Impost and Excise are authorized to do the same by virtue of the aforesaid Acts, and under the restrictions and qualifications therein expressed; and such Inspector and Searcher, shall attend the unlading of all rum, and other distilled spirituous liquors, wine, and brown sugar, hereafter to be imported into this Province, and shall take and keep a regular and just account of the same, and shall attend the weighing and guaging all rum, wine, sugar, and other articles which are respectively to be weighed and guaged by virtue of the before mentioned Acts, at the first landing of the same, and shall attend at the delivery of all rum, and other distilled spirituous liquors, hereafter to be supplied for the use of His Majesty's army, navy, and careening-yard, and shall attend the reshipping of all articles, on which the duties, or any part of them imposed by the aforesaid Acts, or either of them, are drawn back upon the exportation thereof, and shall also take and keep a regular and just account thereof, for the inspection of the Commissioners of the Revenue, whenever they shall think fit to call for the same.

Penalty for persons obstructing, or assaulting an officer of Excise, in the execution of his duty.

IV. *And be it further enacted, by the authority aforesaid*, That if any person or persons shall obstruct or assault, with intent to obstruct any Collector, Inspector, or other officer, appointed by virtue of this, or either of the aforesaid Acts, in the execution of the duties of their respective office or offices, such person or persons so offending, shall forfeit and pay the sum of one hundred pounds, the one half thereof to, and for the use of, His Majesty, His heirs and successors, for the support of the government of this Province; the other moiety to the use of any person or persons who shall sue for the same by action of debt, bill, plaint or information, in His Majesty's Supreme Court.

And whereas from the situation of this Province, many vessels not bound thereto, are obliged to put into its ports by distress of weather, and other unavoidable causes, which may have on board dutiable articles, and which it may be absolutely necessary to unlade, in order to repair such vessels, and enable them to proceed upon their intended voyages:

Of dutiable articles on board of vessels in distress.

V. *Be it therefore enacted, by the authority aforesaid*, That it shall and may be lawful for the Collector or Collectors of Impost and Excise within the district, where such vessel or vessels may arrive in distress, upon application to them by the master or consignee thereof, to permit such master or consignee, to unlade all such dutiable articles, and deposit and store the same in the custody of the said Collector or Collectors, who shall take an exact account of the packages in which such articles are contained, and the contents of each, and make a correct entry thereof, in his or their books, which dutiable articles shall continue and remain in the custody of the said Collector or Collectors, until such vessel or vessels shall be put in a condition to receive the same on board again, and be ready for sea. And the said Collector or Collectors are hereby authorized to deliver up to the said master, or consignee, the whole, or any part of such cargo or cargoes as may be required for re-shipment and exportation, upon payment of store rent, and all other reasonable charges that may have been incurred by such unlading

unlading and storing, and without being subject to any duty, upon the like conditions, as persons are by the said Act permitted to export the like articles, by them imported into this Province. *Provided always*, That no person as aforesaid, shall be entitled to the benefit of this clause, who shall be proved to have sold any part of the said dutiable articles, except such as may be sufficient to pay for the necessary repairs of such vessel or vessels, and shall have been permitted to be sold for that purpose by the Commissioners of the Revenue.

Articles sold for the payment of repairs, liable to duty.

Provided also, That if any part of the said dutiable articles shall be sold for the payment of the repairs, and other necessary charges, that may arise in refitting such vessel or vessels, for the prosecution of her or their intended voyage, the same shall be subject to, and pay the whole of the duties imposed by the aforesaid, or any other, Act or Acts of this Province.

All wines in future to pay only six pence per gallon.

VI. *Be it further enacted, by the authority aforesaid*, That all wines imported into this Province, shall, in future, pay only six pence per gallon, in lieu of the nine pence per gallon, imposed thereon, by the Act herein last before-mentioned, of which this is an amendment, any thing herein, or therein, contained to the contrary notwithstanding.

All rum, &c. distilled within the Province in future, to pay only three pence per gallon.

VII. *Be it further enacted, by the authority aforesaid*, That all rum, and other spirituous liquors, distilled in this Province, shall, in future, pay only three pence per gallon, in lieu of the six pence per gallon imposed thereon, by the Act herein last before-mentioned, of which this is an amendment, any thing herein, or therein, contained to the contrary notwithstanding.

And for the more effectual preventing of frauds on the exportation of articles liable to duties, by the aforesaid Acts:

Exporter of dutiable articles to make and subscribe the following oath.

VIII. *Be it enacted, by the authority aforesaid*, That no person or persons shall have credit for, or shall be paid, the duties by him or them paid, or secured, on such articles by him or them exported, unless he, or they, shall, after the exportation thereof, or some other person in his or their behalf, in case of the absence of such person or persons exporting the same out of this Province, make and subscribe the following oath, viz.

Form of oath.

I A. B. do swear, that I verily believe the rum, or other spirituous liquors, by me exported to a certificate of the landing of which is now by me exhibited, has been really and *bona fide* landed at the said place, and that the same has not, to my knowledge, or belief, been again landed, sold, or exchanged, in any part of this Province.

Act continued to 1st July, 1795.

IX. *And be it further enacted, by the authority aforesaid*, That this Act, and the last above-mentioned Act, of which this Act is an amendment, and every matter and clause therein contained, shall be in force from the first day of July, one thousand seven hundred and ninety four, until the first day of July, one thousand seven hundred and ninety-five, inclusive.

CAP. VIII.

Expired.

An ACT to continue in Force, the several Acts therein mentioned

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CAP. IX.

An ACT to regulate the packing and inspecting of Salted Beef and Pork, for Exportation.

Preamble.

WHEREAS *it is necessary, for the encouragement of raising neat cattle and hogs, as staple articles of exportation from this Province, to apply every necessary precaution to prevent salted beef and pork being shipped, otherwise than in the best manner and condition, and under certain regulations;*

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That from and after the publication hereof the Grand Juries of the several counties in this Province, at their General Session of the Peace in each of the said counties, wherein by law town officers are to be nominated and appointed, shall nominate, out of every township in such county, four fit persons, out of whom the said Court of Sessions shall appoint two, to be inspectors and repackers of beef and pork intended for exportation: which inspectors and repackers shall hold and exercise their said office for and during the year succeeding such their nomination and appointment, and until others shall be appointed in their stead; and shall, within eight days after notice of their appointment, and before they enter upon the execution of their office, take the following oath, before some one Justice of the Peace for the county wherein they reside, viz.

Appointment of Inspectors and Repackers of Beef and Pork for exportation.

I A. B. do swear, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform, the office and duty of an inspector and examiner of beef and pork, according to the true intent and meaning of the laws of this Province relative to the same.

Inspectors oath.

II. *And be it further enacted, by the authority aforesaid*, That from and after the publication of this Act, all barrels in which any beef or pork shall be repacked, shall be made of good sound hard wood staves and heading, with not less than twelve hoops on each barrel, and shall be of such size and dimensions as herein after expressed, and be made as nearly strait as possible, and in every respect sufficient to hold pickle, and that all half barrels shall be made of the like materials and quality.

Barrels to be made of hard wood staves, and twelve hoops on each.

III. *And be it further enacted, by the authority aforesaid*, That the inspectors and re-packers, so to be appointed, shall examine and sort all beef and pork to be by them repacked, and such as is well fatted, and in every other particular in a good state for exportation, shall be by them repacked into barrels in the following manner, that is to say: such beef as is large and fat without either hocks, shins or neck pieces, shall be sorted by itself, and on one of the heads of all barrels, containing beef of this quality, shall be branded the words mess beef, and that such beef as is not of the very first quality, shall be sorted and repacked by itself, and on one of the heads of all barrels, containing beef of this quality, shall be branded the words prime beef, in each of which barrels of prime beef there shall be at the least one round, and not more than two hocks or shins, and one half of the neck, and to be good and well fatted beef, and such as is inferior or third quality beef, shall in like manner be sorted and repacked by itself, and on one of the heads of all barrels, containing beef of this quality, shall be branded the words cargo beef, which shall not contain more than three hocks or shins, and one half of the neck in each such last mentioned barrel. And further that every barrel in which any kind of beef, shall be so repacked as aforesaid, shall contain two hundred neat pounds of such beef, and the figures 200 shall be branded on one of the heads of each and every such barrel, and shall be of such size and dimensions as to hold not more than thirty one or less than thirty gallons; and that each barrel of pork shall contain two hundred neat pounds of pork, well fatted, the first quality of which shall not have in each barrel more than three shoulders without the legs, which shall be cut off at the knees, and such a proportion of head or heads, as shall not exceed twenty four neat pounds in weight, the ears and snouts cut off, and on one of the heads of all barrels containing pork of this quality, shall be branded the words prime pork, with the figures of 200 thereunder. The second quality of pork, shall not have in each barrel more than five shoulders without the legs, and not more than two heads, which shall not exceed thirty neat pounds, and shall be otherwise good merchantable pork, on one of the heads of all barrels containing pork of this last mentioned quality, shall be branded the words

Inspectors to examine and sort beef and pork.

Mess Beef to be packed by itself, and the barrel branded accordingly.

Second quality to be branded prime beef.

Third quality to be branded cargo beef.

Each barrel to contain two hundred pounds of beef or pork, and to be branded.

words cargo pork, with the figures 200 thereunder; and all barrels wherein such pork shall be repacked shall be of the dimensions to contain not more than thirty, or less than twenty nine gallons.

Half barrel to contain one hundred pounds.

IV. *And be it further enacted, by the authority aforesaid*, That every half barrel, in which beef shall be repacked by virtue of this Act, shall be of such size as to hold not less than fifteen gallons, and one half gallon, or more than sixteen gallons, and shall contain one hundred neat pounds of beef; and every half barrel in which pork shall be so repacked, shall be of such size, as to hold not less than fifteen gallons, or more than fifteen gallons and one half gallon, and shall contain one hundred neat pounds of pork, and on one of the heads, of every such half barrel of beef or pork, shall be branded the figures 100, and in other respects to be assorted and branded, and under the same rules and restrictions, as full barrels of beef and pork are herein before directed to be.

Beef or pork not to be repacked until in salt fourteen days.
How each cask is to be branded.
Inspectors to secure the marking irons from their servants.

V. *And be it further enacted, by the authority aforesaid*, That not any beef or pork shall be repacked until the same has been laid in salt not less than fourteen days before such repacking, and all casks of beef and pork so repacked, shall be branded with the initial letters of the inspector's and repacker's christian name, with his surname at full length, together with the name of the place where repacked. And every inspector and repacker of beef and pork, shall carefully secure such his marking irons, so as to put it out of the power of his servants, or others, to obtain and make use of them contrary to the true intent and meaning of this Act.

Allowance to Inspector.

VI. *And be it further enacted, by the authority aforesaid*, That the inspectors and repackers shall receive and be paid for inspecting and repacking, after the rates following, that is to say: for inspecting and repacking each barrel, one shilling, and for each half barrel, seven pence half penny; for each hoop wanting, and put on by the inspector and repacker, two pence, and for flagging, nailing, pegging, and pickling, each barrel, seven pence half penny, and each half barrel, five pence, the owner of the beef or pork, furnishing, or paying for, the salt.

Penalty for such as shift beef or pork after inspection.

VII. *And be it further enacted, by the authority aforesaid*, If any person or persons shall, at any time hereafter, intermix, take out or shift, any beef or pork that has been repacked and branded as aforesaid, and shall export, or lade on board any vessel for exportation, such beef or pork so intermixed, taken out or shifted, every person so taking out, intermixing and fraudulently shifting, such beef or pork, shall, on conviction thereof, forfeit and pay the sum of fifty pounds: to be applied to the benefit and use of the informer or informers.

Penalty for Inspectors that transgress.

VIII. *And be it further enacted, by the authority aforesaid*, That if any inspector or repacker, hereafter to be appointed by this Act, shall inspect, repack or brand, any barrels or half barrels of beef or pork, in any manner or form contrary to the true intent and meaning of this Act, or shall, in any other manner, offend against the true intent and meaning thereof, such inspector and repacker shall forfeit for every offence, the sum of fifty pounds, the one half of which shall be applied to the use of the poor of the township wherein the offence is committed, and the other half to be paid to the person or persons informing.

Penalty for such as export uninspected beef or pork.

IX. *And be it further enacted, by the authority aforesaid*, That from and after the appointment of such inspectors and repackers, if any person or persons shall export, or ship for exportation out of this Province, any beef or pork, not being inspected, repacked and branded, by one of the sworn inspectors and repackers as aforesaid, every such exporter and master of every vessel, having on board such uninspected beef or pork, shall, upon conviction, respectively forfeit and pay the sums following: for every barrel of beef or pork, so exported, or shipped for exportation, as aforesaid, that is to say, the owner thereof shall forfeit and pay for every such barrel, the sum of forty shillings, and the master of every vessel, having the same on board, shall forfeit and pay, for every barrel, twenty shillings, and further, that the said inspectors, and every of them, shall have full power and authority, by virtue of this Act, on suspicion

Of uninspected beef or pork laden on board of vessels for exportion.

that

that any beef or pork, not inspected as aforesaid, shall be shipped in any vessel for exportation, to apply to any Justice of the Peace, and, on oath, to assign to such Justice, the causes of such suspicion, and if the said Justice shall think the said suspicion well grounded, he shall issue his warrant to the said inspector or inspectors, to enter on board any vessel whatever, laden, or loading in any port within this Province, and to search for, and make discovery of, any beef or pork shipped on board any such vessel, for exportation out of this Province: And if any of the said inspectors shall discover any beef or pork not repacked or branded as directed in, and by this Act, on board of any such vessel, such inspector shall apply to such Justice of the Peace, who is hereby authorized and required, to issue his warrant directed to the Sheriff, his deputy, or any of the Constables of the county, wherein such vessel is laden, or loading as aforesaid, commanding him or them to enter on board every such vessel having on board such uninspected beef or pork, and cause the same to be relanded and delivered to the owner or owners thereof, upon his or their paying all reasonable and lawful expences for the aforesaid warrant, search and relanding; and if any person or persons shall obstruct, or prevent, any inspector from making such search as aforesaid, or any peace officer, in relanding such beef or pork, each and every person so offending, shall forfeit and pay the sum of fifty pounds, to be paid to the overseers of the poor for the township, wherein such offence is committed, the same to be recovered on the oath of the inspector or peace officer.

Penalty for obstructing Peace officer on entering any vessel, to search for or unlade uninspected beef and pork.

Provided always, nevertheless, That each and every vessel bound for any voyage, and not carrying any beef or pork out of the Province for sale, shall, and may, be permitted to carry any quantity of beef and pork for the use of the ship's company, not exceeding in the whole, two thousand pounds, gross weight, in any manner or mode, that the owner of such vessel may think proper.

Of beef or pork for ship's use.

X. *And be it further enacted, by the authority aforesaid*, That all and every the forfeitures and penalties aforesaid, shall and may be recovered, with costs of suit, in the Supreme Court, or the Inferior Court of Common Pleas, by any person or persons who will sue and prosecute for the same to effect, by bill, plaint or information.

Manner of recovering forfeitures

XI. *And be it further enacted, by the authority aforesaid*, That this Act shall continue, and be in force, for two years, from the end of the present Session of the General Assembly, and no longer.

Act to continue for two years.

CAP. X.

An ACT for providing for the Trial of Issues, by Justices of *Nisi Prius*, in the Counties of Sydney, Lunenburg, Queen's County, and Shelburne.

Preamble.

WHEREAS *it is highly expedient for the due administration of Justice, that Courts of* Nisi Prius, *should be established in the several counties in this Province, in which His Majesty's Supreme Court are not now by law, authorised to sit:*

Trial of issues by commission, in the counties of Sydney, Queen's County and Shelburne.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That when and so often as any issue or issues shall be joined in His Majesty's Supreme Court, which issue or issues ought, by the law of the land, to be tried in the respective counties of Sydney, Lunenburg, Queen's County and Shelburne, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to assign one or more Justice or Justices of the Supreme Court, joining, with him or them, one or more of the Justices of the Inferior Court, for the particular county, to try such issue or issues in and by a jury of the county, in which the *venue* or *venues* shall respectively be laid; which Justice or Justices shall proceed to try such issue

issue or issues in the same manner, and shall have, use and exercise, all the powers and authorities which the Justices of *Nisi Prius* do have, use or exercise, within the realm of England, and shall be entitled to be reimbursed such extraordinary expences as shall have been incurred in the hiring of vessels for the purpose of conveying such Justice or Justices to the county where such *venue* shall be laid as aforesaid, if no passage boat, or proper accidental conveyance, offers to convey them as aforesaid.

Issue of commission in time of war.

Provided always, That when and so often as His Majesty's Dominions shall be at war with any other kingdom, state or power, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Council, to defer issuing any commission for such purpose until it shall appear safe and expedient for him so to do, any thing in this Act to the contrary notwithstanding.

Notice of time of such Court Sitting to be given in the Halifax Gazette.

II. *Be it further enacted, by the authority aforesaid*, That in all cases wherein the Justices shall be assigned to try any issue or issues as aforesaid, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appoint some day certain between the first day of April, and the first day of October, on which the Justice or Justices, so assigned as aforesaid, shall repair to the court-house of and in the county, for and in which he or they shall be assigned, to try any issue or issues, of which day notice shall publicly be given in the Halifax Gazette, or some other public newspaper, pursuant to the directions of the Governor, Lieutenant-Governor, or Commander in Chief, a reasonable time before the day so to be appointed as aforesaid.

Summoning Jury for said trial.

III. *Be it further enacted, by the authority aforesaid*, That as soon as the day shall be appointed for the Justice or Justices, to repair to any or either of the aforesaid counties, for the trial of any issue or issues, so to be joined as aforesaid, it shall and may be lawful for the plaintiff in such action, or his attorney, to sue out of the said Supreme Court, a writ of *venire facias*, directed to the Sheriff of the county, wherein such issue or issues is, or are, to be tried, commanding him to have, on the day so to be appointed, at the court-house within his county, thirty six persons, qualified to serve as petit Jurors, who shall be drawn in the manner directed by the several laws of this Province, for regulating Juries, and declaring the qualifications of Jurors, in the presence of one of the Justices of the Inferior Court of Common Pleas, in such county, the Sheriff thereof, and the Prothonotary or Clerk of such Inferior Court, and shall be by such Sheriff summoned to attend at the time and place in the said *venue* commanded.

And whereas there are at present no practicable roads from Halifax, to the several counties herein before mentioned, by reason of which, the Justices so to be assigned, may not be able to attend at the places, and on the day so to be appointed, as aforesaid:

Of Justices not appearing on the day appointed for trial.

IV. *Be it therefore enacted, by the authority aforesaid*, That in case such Justice or Justices, so to be assigned as aforesaid, shall not arrive at the places and the times to be appointed as aforesaid, it shall and may be lawful for the Sheriff of the County, to respite the attendance of all Jurors, parties, witnesses, and other persons summoned or bound to attend at the times and places aforesaid, from day to day, until such Justice or Justices shall arrive, which Justice or Justices, shall then proceed to try such issue or issues, as are by him triable by virtue of his commission.

Chief Justice to appoint Clerks of the Courts of Nisi Prius, and to regulate the practice in such Courts

V. *Be it further enacted, by the authority aforesaid*, That it shall and may be lawful, for the Chief Justice of His Majesty's Supreme Court, for the time being, from time to time to appoint such fit and proper persons, as he shall think proper, to be Clerk or Clerks to the Court of *Nisi Prius*, hereby established in the several counties herein mentioned, and the said Supreme Court shall and may, from time to time, make and ordain such ordinances and rules as to their discretion may seem meet, to regulate the practice of the said Courts, and for the effectual administration of justice in and by the same.

VI.

VI. *Be it further enacted, by the authority aforesaid*, That the Clerk or Clerks of *Nisi Prius*, to be appointed by the Chief Justice aforesaid, shall and may sign and seal writs of *capias*, *summons*, and all other writs returnable into the said Supreme Court, or into the said Court of *Nisi Prius*, and shall and may take the affidavit or affidavits of any person or persons, for the purpose of holding to bail, or attaching the property of, any defendant or defendants, and shall and may indorse writs of *capias ad respondendum*, or attachment, upon such affidavit or affidavits, in the same manner as the Justices of the Supreme Court are by law authorised and directed to indorse the same. Duty of Clerk of Nisi Prius.

VII. *And be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the said Chief Justice, by warrant under his hand and seal, to appoint in any of the Counties of this Province, such fit and proper persons, as he shall think convenient, to be commissioners to take affidavits, to be used in all causes subsisting, or which hereafter may be instituted, in His Majesty's Supreme Court, or in the said Court of *Nisi Prius*, hereby established. Chief Justice to appoint Commissioners to take affidavits in causes pending in the Supreme Court or Nisi Prius.

VIII. *And be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the Justices of the Supreme Court in all cases wherein they shall think proper, to tax such reasonable counsel fee or fees, not exceeding the sum of five pounds, to be paid by the party against whom a verdict shall pass in any cause tried before them, as they shall think proper. Counselfees, how taxed.

IX. *And be it also further enacted, by the authority aforesaid*, That so much of this Act as respects the establishment of Courts of *Nisi Prius*, shall continue and remain in force for and during the term of three years, from and after the publication hereof, and until every issue actually joined at the expiration of such term shall have been disposed of, and no longer. Continuation of Act.

CAP. XI.

An ACT in addition to, and amendment of, an Act, passed in the Thirty-second year of the reign of His late Majesty, entitled, an Act for establishing and regulating a Militia. Repealed by 35th Geo. 3d.

CAP. XII.

An ACT for making, repairing, laying out, and altering, Highways, Roads, Bridges and Streets, within the County of Annapolis, and for the more equal apportionment of the Work and Labour of the Inhabitants of the said County, to be performed in and about the same. Expired.

CAP.

CAP. XIII.

Expired.

An ACT to enable the Juſtices of the Peace, and Grand Jury, for the Diſtrict of Colcheſter, to aſſeſs the Inhabitants of the Townſhips of Truro, Onſlow, and Londonderry, as alſo the Inhabitants on the lower Settlement of Sewack, Shubenaccadie, Gay's River, and the Settlers on the Road leading from Truro to Gay's River, for the repairs of the ſaid Road.

CAP. XIV.

Expired.

An ACT for the better regulating the Herring Fiſhery in the Counties of Annapolis, and King's County, and the exportation of pickled Herring from the ſaid Counties.

CAP. XV.

An ACT to provide for the Support of the Grammar School in Halifax, and for other public purpoſes therein contained.

Preamble.

WHEREAS *no particular fund is appropriated for the ſupport of the Halifax Grammar School, and as it is alſo expedient, that ſome proviſion ſhould be made for the ſupport of ſchools, in other parts of the Province:*

Additional duty of three pence per gallon on wine hereafter imported.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That from after the publication hereof, there ſhall be raiſed, levied and collected, on all wine, to be hereafter imported into this Province, the additional duty of three pence per gallon, to be paid and applied as is herein after directed, that is to ſay: on all wine imported into the port of Halifax, the additional duty of three pence per gallon, ſhall be paid into the Provincial Treaſury in Halifax, and on all wine imported into any of the out ports, harbours or creeks, in this Province, the aforeſaid additional duty ſhall be paid into the treaſury of the county or diſtrict whereto ſuch harbour, port or creek, ſhall appertain, all which ſaid additional duties ſhall be raiſed, levied, collected and paid, as aforeſaid, by the ways, means, methods, rules, proviſions and directions, and under the ſame penalties, and by the Collectors preſcribed, mentioned, named and expreſſed, in and by an Act, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and all other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying the intereſt, and reducing the principal, of the public debt of this Province.

Collecting of duty.

1 ſel. per annum of ſuch duty to be applied to the Grammar ſchool, the remainder to the uſe of the poor of the town of Halifax.

II. *And be it further enacted, by the authority aforeſaid*, That all and every ſum and ſums of money, ariſing from, or which ſhall be collected and paid into the treaſury of this Province, under, and by virtue of, this Act, after paying the expence for collecting the ſame, ſhall be paid and applied in manner following, that is to ſay: all ſuch ſum and ſums of money as ſhall be collected in the port of Halifax, a ſum not exceeding one hundred and fifty pounds per annum ſhall, and may, by warrant, be drawn for out of the treaſury by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, upon application of the truſtees of the ſaid ſchool, and applied in and towards the maintenance thereof, and that all and every the ſum or ſums of money ariſing from the duty hereby impoſed, and which ſhall remain in the

ſaid

said treasury after the expiration of the said year, shall and may, on application of the Overseers of the Poor for the time being, of the town of Halifax, be drawn by warrant under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and be, by them, applied in and towards the support of the poor of the town of Halifax.

If the money collected should not amount to 150l. per annum, the deficiency made up from the duty on licensed houses.

III. *And be it further enacted, by the authority aforesaid*, That in case it should so happen that the monies arising from the duty herein before imposed, shall not amount to the sum of one hundred and fifty pounds per annum, and it shall appear to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, upon application of the said trustees, that the full sum of one hundred and fifty pounds is necessary to be applied in and towards the maintenance and support of the said school, then, and in such case, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to use and apply so much of the monies arising from duties on licensed houses, within the town and district of Halifax, by virtue of the Acts now in force for suppressing unlicensed houses, and for granting to His Majesty a duty on persons thereafter to be licensed, as shall, with the monies arising from the duties on wine herein before imposed, make up in the whole the said sum of one hundred and fifty pounds, any thing in the aforesaid several Acts for suppressing unlicensed houses, and for granting to His Majesty a duty on persons hereafter to be licensed, or of Acts made in addition thereto, or amendment thereof, to the contrary notwithstanding.

Of the drawback of duties on wine exported to any part of the Province.

IV. *And be it further enacted, by the authority aforesaid*, That when any wine shall be exported or carried by land from the port, wherein the duties for the same have been paid or secured, to any other port or place in the Province, not in the same county, that the county, into which the same may be so imported or landed, shall be entitled to a drawback of the amount of the additional duty of three pence per gallon, imposed by this Act, sufficient proof being produced, that such wine has been actually landed or received in some part of such county. *Provided always*, That no drawbacks shall be allowed for any quantity less than one hundred gallons, to be exported at one and the same time, by one and the same person.

Application of monies collected in the out ports.

V. *And be it further enacted by the authority aforesaid*, That all such sum or sums of money, as shall be collected as aforesaid, by virtue of this Act, in each and every of the out ports, harbours and creeks, of this Province, and paid into the county treasury as aforesaid, shall be used and applied for the support of public schools, or such other public beneficial purposes, as the Justices of the Peace, in their General Sessions, shall think most expedient and useful, the same to be drawn for by warrant on the county Treasurer, signed by a majority of the Justices present, at such General Sessions of the Peace as aforesaid.

Act continued to 1st July, 1795.

VI. *And be it further enacted, by the authority aforesaid*, That this Act, and every matter and thing therein contained, shall be and continue, and the same is hereby continued in force, to the first day of July, one thousand seven hundred and ninety five.

CAP. XVI.

Expired.

An ACT to provide for the Summary Trial of Actions heretofore vested in His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

CAP.

CAP. XVII.

Executed.

An ACT for applying certain Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Seven Hundred and Ninety Four, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, and thence continued by several Prorogations to the Twelfth Day of March, Anno Domini 1795, in the Thirty-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 Third Session of the Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Sir Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT to amend, and reduce into one Act, the several Acts made by the General Assembly, relating to the Office of Sheriffs; and also for altering the form of the Summons heretofore used.

Nomination and appointment of Sheriffs.

BE *it enacted, by the Lieutenant Governor, Council and Assembly*, That it shall and may be lawful for the Chief Justice of His Majesty's Supreme Court, or in his absence, for the senior Judge of the said Court, once in every year, that is to say: on the last day of Michaelmas term, to nominate for each county in the Province respectively, three proper and fit persons to be made High Sheriffs, a list of whom he is hereby directed to present to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, who is hereby impowered immediately to prick one out of the said number for each county, to serve the office of high Sheriff for the ensuing year, which Sheriff, being resident in his proper county, and having entered, in the Secretary's office for the Province, good and sufficient security for the faithful execution of his office, as Sheriff, shall, immediately upon receiving his patent, be fully invested with all the powers,

powers and authorities of a high Sheriff, and be subject to all such laws, customs, ordinances, regulations and directions, as the high Sheriffs in the several counties in England are subject to: and also to all such Acts of this Province as in any way or manner relate to the execution of the office of a Provost Marshal, or to the said office of high Sheriff.

Sheriff to give security.

II. *And be it further enacted*, That the Sheriff, so appointed, shall continue in office until another shall be sworn in his stead.

Sheriff to continue in office till another be sworn.

III. *And be it further enacted*, That when any person or persons, who shall be so appointed to execute the said office of high Sheriff, shall refuse to accept the same, the person or persons so refusing shall be subject to a fine of fifty pounds for such his refusal: and the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall and may prick any other of the number then remaining upon the list so returned as aforesaid, instead of the person so refusing.

Penalty for such as refuse to serve.

IV. *And be it further enacted*, That it shall and may be lawful for the said Chief Justice, or senior Judge of His Majesty's Supreme Court, in the list of persons to be presented as aforesaid, to the Governor Lieutenant-Governor, or Commander in Chief for the time being, to return over again the name of such person, as shall be then in the office of Sheriff for any county, in case such person shall have signified to such Chief Justice, or senior Judge, his consent in writing, to serve for the ensuing year, unless a representation, signed by a majority of the Justices, in their General Sessions assembled, in any county within the Province, shall be filed in His Majesty's Supreme Court at Halifax, as of any Michaelmas term hereafter ensuing, praying thereby, that the person then serving the office of Sheriff in such county, may not be returned in the Judge's list to serve the office of Sheriff for the then ensuing year; in which case, the Judge who is to return such list shall not return the name of such person so petitioned against.

The same Sheriff may be again returned.

V. *And be it further enacted*, That all Sheriffs to be hereafter appointed, shall before entering upon the duties of their office, take and subscribe the following oath, viz.

Sheriffs to take the following oath on entering their office.

Form of the oath.

I do solemnly swear, that I will truly serve the King, in the office of Sheriff of the county of and promote His Majesty's profit in all things which belong to my office, as far as I legally can or may. I will truly preserve the King's rights, and those which belong to the Crown; and where I have any knowledge of their being concealed, or withdrawn, I will use my utmost endeavours, to make them be restored to the Crown again; and if I cannot cause them to be so restored, I will certify and inform the King's representative in this Province, or some of his Judges of the same; I will do right as well to poor as to rich, in all things belonging to my office; I will not do wrong to any person whatsoever, for any gift, reward or promise, nor for favour or hatred; I will disturb no man's rights; I will at the end of the year, render to His Majesty's Supreme Court at Halifax, a true and faithful account of all such debts, duties, fines and forfeitures, to the Crown, as shall be levied by me, or come to my hands; I will take nothing whereby the King may lose, or the revenue of this Province be injured or diminished; I will duly return, and truly serve, without favour or affection, all the King's writs that shall come to my hands; I will take no deputy or bailiff into my service, but such as I will answer for, and will cause each of them, before they enter upon their office, to take such oaths as I do, in what belongeth to their several occupations; I will duly make fair and impartial lists and pannels of persons able and sufficient as it is appointed by the laws of this Province; I will not, during the continuance of my office, receive, either directly, or indirectly, any fee, favour or reward, for constituting any person or persons, my deputy, or bailiff, but will keep a strict eye over such deputy or bailiff, that he or they do not exact unreasonable fees, and be not guilty of extortion and oppression, in their offices; I will truly to the best of my skill and judgment, execute the laws and

statutes of this Province, and in all things will act uprightly in my office, for the honour of the King, and the good of his subjects. So help me God.

In case of the death of a Sheriff, how another shall be appointed.

VI. *And be it further enacted*, That if any Sheriff of any county within this Province, shall happen to die before his year shall be expired, or before he be lawfully superseded, the deputy Sheriff by him appointed, shall continue to execute the said office, in the name of the deceased Sheriff, until another Sheriff shall be appointed for the said county, and sworn into office; and securities given by the Sheriff, for the faithful discharge of his office, shall be accountable for the conduct of the said deputy or deputies, in the same manner as they would have been, if the said Sheriff had been living; and if such Sheriff, shall have left no deputy by him appointed, it shall and may be in the power of any two of the Judges of the Inferior Court of the county to which he shall have belonged, of whom the senior Judge of the same, then within the county, shall be one, and they are hereby required, forthwith to appoint some proper and fit person to act as Sheriff, during such interval, who, before he shall enter upon the duties of his office, shall take the oath herein before prescribed, and shall give good and sufficient security to the satisfaction of the said Justices, for the faithful discharge of the duties thereof, until a Sheriff shall be appointed, and sworn, in manner as he is herein before directed.

Writs of Summons to be directed to Sheriff.

VII. *And be it further enacted*, That from and after the publication hereof, all writs of summons, to be issued from any Court of Record within this Province, shall be directed to the Sheriff of the County within which such writ is to be served, and that the form of all summonses, to be hereafter issued from any Court of Record, shall be as follows:

Form of Summons.

(LS.) George the Third, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, &c. &c. &c.

To the Sheriff of the county of Greeting.

We command you, that you summon if he may be found in your precinct, to be and appear before our Justices of our Court, at on the of next, then and there to answer to in a plea of to the damage of the said pounds, as is said, and have you then there this writ.

Witness, Esqr. at this day of in the year of our reign, *annoque domini*, 179 Proy.

A copy of which summons, shall, in all cases, be served by the Sheriff, upon the defendant or defendants.

Fees allowed the Sheriff.

VIII. *And be it further enacted*, That the fees hereafter to be allowed and taken by the several Sheriffs for their services to be done and performed in the said office, shall be as follows:

Serving every summons, or *scire facias*, and making return thereof, three shillings and six pence.

Serving every other writ of *mesne process*, five shillings.

Serving every execution, and making return thereof, five shillings.

Serving writ of possession, ten shillings; travel, three pence per mile, for every mile from the place of residence of the Sheriff, to the place where he shall serve any writ; and one penny per mile, and no more, for every mile from the place of residence of the Sheriff, to the Court House, where such writ is returnable; provided such Court be out of his bailiwick, and not otherwise.

Bail bond, three shillings.

Summoning a Jury in each cause, two shillings and six pence.

Executing writ of enquiry, summoning a Jury, and making return; ten shillings.

Returning

Returning Special Jury; ten ſhillings.

On executions or attachments (where a ſale ſhall take place) extended on perſonal property, ſale and payment of the monies received, to the plaintiff, or his attorney, as follows, viz.

For any ſum not exceeding fifty pounds, one ſhilling.

From fifty pounds, to one hundred pounds, nine pence.

All above one hundred pounds, ſix pence.

On executions or attachment, where a ſale ſhall take place, extended on real eſtates, three pence in the pound, on the appraiſed value for laying the ſame thereon; and the ſale of ſuch real eſtate, and payment of the proceeds of ſuch ſale to the plaintiff or his attorney, the further fee of three pence in the pound.

For making inventory of goods and chattels attached, ſuch reaſonable fees as ſhall be taxed by the Court, out of which the writ ſhall have iſſued.

Fees on appraiſement of goods or eſtates.

IX. *And be it further enacted*, That the appraiſers of goods, chattels or eſtates, taken upon attachment, or in execution, ſhall be allowed two ſhillings and ſix pence each for ſuch appraiſement, or where the property is ſo extenſive, or complicated, as to require a long time to aſcertain its value, three ſhillings and ſix pence each per day, for every day while they are actually, and *bona fide*, employed in ſuch appraiſement; and where goods and chattels of a periſhable nature, or live ſtock of any kind, ſhall be taken by attachment, and appraiſed, and the party whoſe goods or ſtock are ſo taken, ſhall not, within three days after notice of ſuch appraiſement being made, give ſufficient ſecurity for the value thereof, according to law, it ſhall and may be lawful for any Judge of the Court, out of which ſuch writ of attachment ſhall have iſſued, upon application of the plaintiff, and notice thereof to the defendant, or, if the defendant be an abſent or abſconding debtor, to his agent, factor or truſtee, if he have any, and no good cauſe to the contrary ſhewn, to order the goods, chattels or ſtock, ſo attached and appraiſed, to be ſold by the Sheriff at public auction: and the money ariſing from ſuch ſale, to be retained in the hands of the Sheriff, or paid into Court, to reſpond the judgment, to be afterwards given in ſuch cauſe.

Manner of proceeding on the attachment of goods of a periſhable nature.

Sheriffs taking illegal Fees.

X. *And be it further enacted*, That if any Sheriff, or his deputy, ſhall demand and take any greater or other fees, in reſpect of any of the ſervices herein before mentioned, than are aſcertained and allowed by this Act, he or they ſo offending, ſhall, for each offence, be liable to the penalties and forfeitures, ſpecified in an Act, made in the twenty eighth year of His Majeſty's reign, entitled, An Act for the eſtabliſhment of fees, as regulated by the Governor and Council, at the requeſt of the Houſe of Aſſembly, and to be recovered in manner, and to the uſes therein mentioned.

Recovery and application of Fines.

XI. *And be it further enacted*, That the ſeveral fines and forfeitures impoſed by this Act, ſhall be recovered by bill, plaint or information, before the Supreme Court: and when recovered ſhall be paid to the Treaſurer of the Province, for the uſe and ſervice thereof.

Iſſue of *meſne* proceſs from the Inferior Court.

No perſon to be ſued out of his county before any Inferior Court.

XII. *And be it further enacted*, That no writ of *meſne* proceſs, iſſuing from the Inferior Court of Common Pleas, ſhall hereafter be directed to any Sheriff within the Province, except to the Sheriff of the county or diſtrict for which ſuch Inferior Court ſhall ſit, and belong to; and no perſon or perſons whomſoever ſhall be hereafter ſued before any Inferior Court of Common Pleas, within this Province, unleſs ſuch perſon or perſons ſhall be actually reſident within the county or diſtrict where ſuch Inferior Court ſhall ſit, and belong to.

Penalty for Sheriff detaining money in his hands.

XIII. *And be it further enacted*, That if any Sheriff, or his deputy, ſhall levy, or receive, any ſum or ſums of money, by virtue of any execution, writ or proceſs, and ſhall detain the ſame in his or their hands for the ſpace of twenty-four hours after the ſame ſhall have been demanded, that then ſuch Sheriff ſhall forfeit, to the party entitled to receive ſuch ſum or ſums of money, for each and every week that he, or his deputy, ſhall detain the ſame, the ſum of five

ſhillings

shillings for each and every pound which he shall so detain after demand so made as aforesaid: to be recovered by bill, plaint or information, in His Majesty's Supreme Court, at their sittings in any part of this Province: *provided*, Such action shall be brought within three months after such demand as aforesaid, and not otherwise.

This Act to be in force instead of the following Acts.

XIV. *And be it further enacted*, That, from and after the publication hereof, this Act shall be wholly substituted, and be in force, instead of the Acts herein after mentioned, viz.

18th of Geo. 3d.

23d of Geo. 3d.

28th of Geo. 3d.

An Act, made in the eighteenth year of His Majesty's reign, entitled, An Act to empower the Governor, Lieutenant-Governor or Commander in Chief, to appoint Sheriffs in such counties where it may be found necessary. And also instead of an Act, passed in the twenty-third year of His Majesty's reign, entitled, An Act for the better regulating the office of Sheriffs, and the manner in which Sheriffs, Clerks of the Crown, and Clerks of the Peace, shall return and pass their accounts of all fines and forfeitures which shall be imposed by their respective Courts. And likewise instead of an Act, passed in the twenty-eighth year of His Majesty's reign, entitled, An Act for the regulating the manner of issuing process and execution from the Inferior Courts of Common Pleas for the several counties in this Province, and also for altering the form of the summonses heretofore used: any thing in the said Acts, or either of them, to the contrary hereof, or different from the several provisions of this Act, in any wise notwithstanding. *Provided always, and it is hereby enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to repeal so much of the Act, passed in the twenty-third year of His present Majesty's reign, above recited, as respects the obligation of Clerks of the Crown, and Clerks of the Peace, in the several counties within this Province, to make their returns to the Supreme Court, in the manner, and subject to the penalties expressed in, and by the eighth section thereof.

Except so much of the 23d Geo. 3d as respects the obligation of Clerks of the Crown, and Peace to make returns to Supreme Court.

CAP. II.

An ACT to enable the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint persons to solemnize Marriages, in places wherein no established Clergyman resides.

Preamble.

WHEREAS *great inconveniences have arisen, and do still exist, in many parts of this Province, for want of persons being legally authorized to solemnize marriages, for remedy whereof:*

Appointment of persons to solemnise marriages in places where no established Clergyman resides.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint such fit and proper persons as he shall think necessary, within any of the townships or districts in this Province, wherein no regular or licenced Clergyman doth reside, to solemnize marriages within such townships or district, between parties, both of whom shall have resided one month at least, within such township or district, by licence or otherwise as required by the laws of this Province, and all marriages so solemnized shall be as good and valid in law, as if the same had been solemnized by any regular licenced clergyman; any law, usage or custom, to the contrary notwithstanding.

Certificate of such marriages to be returned to the Clerk of the Peace.

II. *And be it further enacted*, That each and every person, solemnizing marriages as aforesaid, by virtue of this Act, shall, within thirty days after the solemnization as aforesaid, file with the Clerk of the Peace, for the county wherein such marriage is solemnized, a certificate thereof, under pain of forfeiting the sum of ten pounds for each and every offence.

III. *And be it further enacted*, that the Clerks of the Peace in their respective counties shall record

record within three days, each and every such certificate so affiled, under pain of forfeiting the sum of five pounds, for each and every neglect, which fine of ten pounds, and five pounds, shall be recovered by bill, plaint or information, in any of His Majesty's Courts of Record within the Province, the one half to be applied to the use of the poor of the township, wherein such offence shall be committed, and the remainder given to the person prosecuting therefor. Clerks of the Peace to record such certificate.

IV. *And be it further enacted*, That such record shall be deemed, and taken, to be legal evidence of such marriage, in all Courts of law and equity within this Province. Record to be legal evidence.

CAP. III.

An ACT in addition to and amendment of, an Act, passed in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating and maintaining a Light-House on Sambro Island, and in addition to, and amendment of, an Act passed in the Twenty-eighth year of His present Majesty's reign, entitled, an Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne.

WHEREAS *the duties payable on merchant ships and vessels by the aforesaid Acts, are directed to be paid at their going out of the said harbours of Halifax and Shelburne:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, all duties which shall become due, and payable on any merchant ship or vessel by virtue of the aforesaid Acts, or either of them, shall be paid immediately, after the arrival of such ship or vessel in the said harbours of Halifax and Shelburne respectively; and that in case the master or commander of any such ship or vessel, shall neglect or refuse to pay the said duties in manner hereby directed, such master or commander shall forfeit and pay the sum of five pounds; and it shall and may be lawful for the Collector of the said duties to enter on board such merchant ship or vessel, and her to seize and detain until the said duties, and the aforesaid penalty shall be discharged and paid, and if any person or persons shall assault or obstruct the said Collector in the execution of his office as aforesaid, such person or persons so offending, shall forfeit and pay for each and every offence the sum of twenty pounds, which sums and penalties shall and may be recovered, by bill, plaint or information in any of His Majesty's Courts of Record in this Province, two third parts whereof, shall be paid to the person or persons prosecuting for the same, and the remainder into the Treasury for the use of His Majesty. Light duties to be paid on vessels arrival. Master neglecting or refusing to pay duties to forfeit £5. Persons assaulting or obstructing Collector to pay £20.

II. *And be it further enacted*, That for the more effectual security of the collection, and just account of the duties imposed by the Act of which this is in amendment, it shall not be lawful for the Naval Officer, or his deputy, to clear out any vessel at the naval office, until he receives a certificate from the Collector of the light duties, that such duties are paid, and the Naval Officer is hereby required to keep lists of such vessels, with their tonnage, and the names of their masters and owners, and to transmit to the Treasurer of the Province, quarterly, copies of such lists; and for the taking such lists, and making such copies, the said Naval Officer shall be entitled to receive from the master of every vessel, of fifty tons and upwards, the sum of one shilling, and for every vessel under fifty tons, the sum of six pence, and no more. Naval Officer not to clear out any vessel until duties are paid. Naval Officer to keep lists of vessels cleared out.

CAP.

CAP. IV.

An ACT for quartering and billeting His Majesty's Forces, when marching from one District to another, within the Province.

For Acts respecting soldiers, see chap. 5. of this session, 40th Geo. 3d. cap. 18, 41st Geo. 3d. cap. 4. 43d. Geo. 3d. cap. 4.

Preamble.

WHEREAS *it is expedient that His Majesty's forces, when marching from one district or county to another, should be provided with quarters:*

Billeting of Officers and Soldiers on a march.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That it shall and may be lawful for any one Justice of the Peace, inhabiting in, or near, any town, village or place, within this Province, to quarter and billet the officers and soldiers in His Majesty's service, when marching from one district to another, in inns, taverns and ale houses; and where there shall not be found room in such houses, then in the houses of persons selling spirituous liquors by retail, on the officer or non-commissioned officer commanding the regiment or detachment producing to such Justice the order of the officer commanding His Majesty's forces, within this Province, directing such march.

Penalty for such as refuse to billet them.

II. *And be it further enacted*, That if any inn holder, tavern or ale house keeper, or persons selling spirituous liquors by retail, shall, on being presented with a billet in writing from a Justice of the Peace as aforesaid, refuse to quarter and billet the officers and soldiers directed in the said billet, to be by him quartered and billetted, he shall forfeit and pay for each and every offence the sum of five pounds: to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record within this Province: the one half whereof shall go to the informer, and the remainder be paid into the Treasury, for the use of the Province.

CAP. V.

An ACT to prevent the harbouring Deserters from His Majesty's Army, and the Sale of Arms, Accoutrements and Clothing, belonging to His Majesty.

Penalty for such as harbour or assist any deserter.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly*, That if any person shall harbour, conceal or assist, any deserter from His Majesty's service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of five pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive any arms, clothes, caps, or other furniture belonging to the King, from any soldier or deserter, or any other person, upon any account or pretence whatsoever; or any hats, shoes, shirts or stockings, or other articles generally deemed regimental necessaries, according to the custom of the army, provided for such soldier or deserter, by his captain, or other officer commanding the company to which he belongs, and paid for by deductions out of his pay, without leave in writing, from such captain or officer, or cause the colour of such clothes to be changed, the person so offending shall forfeit for every such offence the sum of five pounds; and, upon conviction by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the Justices of the Peace, by distress and sale of the goods and chattels of the offender: one moiety of the said first mentioned penalty of five pounds, to be paid to the informer by whose means such deserter shall be apprehended: and one moiety of the said last mentioned penalty of five pounds to be paid to the informer, and the residue of the said respective penalties to be paid to the officer to whom any such deserter or soldier

Penalty for the purchase of Soldiers' Necessaries

Recovery and application of penalties.

did

did belong. And in case any such offender who shall be convicted as aforesaid, or assisting any such deserter or deserters, of harbouring, or having knowingly received any arms, clothes, caps, or other furniture, belonging to the King; or any hats, shoes, shirts, stockings or other regimental necessaries provided and paid for as aforesaid, without leave in writing as aforesaid; or having caused the colour of such clothes to be changed, contrary to the intent of this Act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction, then, and in such case, such Justices may, by warrant under their hands and seals, commit such offender to the common jail, there to remain without bail or mainprize for the space of three months, or cause such offender to be publickly whipped at the discretion of such Justices. *Provided always*, That no commission officer shall break open any house to search for deserters without a warrant from a Justice of the Peace, obtained upon oath made of a desertion, from the regiment to which he belongs, and that there is reason to believe that such deserter or deserters be concealed in the dwelling or out-house in which it is proposed to search for him or them, and into which he the said officer, has been refused admittance. And that every commission officer, who shall without warrant from one or more of His Majesty's Justices of the Peace, (which said warrant the said Justice or Justices are hereby empowered to grant) forcibly enter into, or break open the dwelling-house, or out-house, of any person whatsoever, under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Commissioned officers entering houses to search for deserters, liable to a penalty.

CAP. VI.

For Acts in amendment of this Act, see 36th Geo. 3d. cap. 10, 37th Geo. 3d. cap. 6, 40th Geo. 3d. cap. 18.

An ACT to amend, and reduce into one Act, the several Laws now in being, relating to a Militia in this Province.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, every male inhabitant or resident within this Province, from sixteen to sixty years of age, inclusive, shall be enrolled in some independent company, or in one of the regimented companies in the district where he dwells or resides, and the clerk of such company, is hereby required to keep a book for the purpose of registering the names of all persons required by this Act to be enrolled in the Militia, and to make fair entries therein of all such names: such book to be ready at all times for the inspection of the captains or other officers belonging to such company, and every person enrolling himself in any independent company shall continue therein for three years, unless in case of his removal from the county, in which such company may be, or of his being discharged by the captain or officer commanding such company.

Men from sixteen o sixty to be enrolled in Militia

II. *And be it further enacted*, That the militia shall be formed into regiments by counties; and in case any county shall be sufficiently populous to admit of the regiment being subdivided into two, or more battalions, then, and in such case, the said regiment may be subdivided into battalions, not consisting of less than three hundred men each; that no independent company shall consist of more than fifty four men rank and file, nor any artillery company, (that of Halifax excepted,) of more than thirty two rank and file, and there shall not be more than one independent company in any county, for every battalion of militia in said county; and all regimented companies, those of grenadiers and light infantry excepted, shall be formed by districts in such manner, as that such companies may be assembled as conveniently as possible; that no such company shall consist of less than thirty men, to be commanded by one captain and two subalterns; and when any such company shall exceed sixty men, additional

Forming of Militia into regiments and battalions.

Forming of companies.

ditional officers may be appointed thereto, in the proportion of one officer to twenty rank and file, the limits of such district, and the number of men in each of such companies, to be regulated by the field officers, and officers commanding companies, at their meetings herein after directed; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to consolidate the aforesaid independent companies into a battalion or regiment.

Militia Soldier to furnish himself with arms, ammunition, &c.

III. *And be it further enacted*, That from and after the publication of this Act, every militia soldier enrolled, or to be enrolled in any company within this Province, shall provide himself, and continue at all times to be provided, with proper and sufficient fire arms, consisting of a musket, gun, or fuzil, not less than three feet long in the barrel, two spare flints, and twelve charges of powder and ball, suitable to their respective fire arms and to the satisfaction of the commissioned officers of the company, to which he belongs; with all which he shall appear on every day of exercise or training, and other occasions of duty, whereon he may be ordered, under the penalty of forfeiting and paying for the want of a musket, gun, or fuzil, a fine of three shillings, and the sum of six pence, for each and every other appurtenance, with which he shall be unprovided: The fine to be paid by the parents for their sons under age, and under their command, and by masters or heads of families for their domestics or servants, other than servants on wages; and until such arms can be so provided, all such militia soldiers shall appear with the best arms they have or use for exercise, or on duty, such as may be procured for them from his Majesty's stores, or otherwise.

How often Militia must assemble.

IV. *And be it further enacted*, That every regiment or battalion of militia, shall be called out, and assemble, six times in each and every year, that is to say: by companies, four times, and by every regiment or battalion, two times, either entire, or by such detachments as the commanding officers of the respective regiment or battalion, from local, or other circumstances, shall judge fit, and direct; for the purpose of training, disciplining, and improving in martial exercises; the time and place of assembling for the companies, regiments and detachments, to be appointed by the colonel, or commanding officer of the regiment, and arranged on different days, that the field and staff officers may have an opportunity of attending the several companies, detachments and regiments, exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment: And that every independent company shall be called out and rendezvous for the like purposes, six times in every year at least, at such time and place as the captains or commanding officers of such companies shall respectively direct and appoint, of all which several and respective days of rendezvous previous notice shall be given at least three days by warning from a non-commissioned officer; and every field officer neglecting to give orders for such assembling and training, shall forfeit and pay the sum of twenty pounds; and every captain or officer commanding an independent company, and every officer commanding a regimented company, having received orders for such purpose, who shall neglect to call out and discipline his company so many times, and in the manner prescribed by this Act, shall forfeit and pay the sum of five pounds for every offence; which said sums of twenty pounds, and five pounds, shall and may be recovered in any of His Majesty's Courts of Record in this Province, by bill, plaint or information: the one half thereof, shall go to the person prosecuting, and the the other half to be applied as herein after directed; and every person enrolled as aforesaid, who shall refuse or neglect to appear agreeable to the provisions of this Act, when called upon, or appearing under arms, shall refuse or neglect to perform such military duty, as shall be required of him, or shall on the day of muster or training depart from such company without leave from the commanding officer, shall forfeit and pay, for each and every offence, a sum not less than five, nor exceeding ten shillings, unless such person shall have reasonable excuse for non-attendance, to be adjudged by a majority of the commissioned officers of the company, then present.

Field officers neglecting to give orders for assembling to forfeit £20.

Captains neglecting to discipline their companies to pay £5.

Persons enrolled, refusing to perform military duties, forfeit ten shillings.

V.

V. *And be it further enacted*, That no eſtabliſhed or licenced clergyman ſhall be liable to any of the proviſions of this Act; and that the perſons hereafter named ſhall be exempted from all trainings, except ſuch as ſhall receive commiſſions in the militia, viz. The Members of His Majeſty's Council; the Members of the Aſſembly for the time being; the Chief Juſtice, and Judges of Courts; the Attorney and Soſicitor General; Juſtices of the Peace; high Sheriff; Coroners; all perſons who have held commiſſions, civil or military, under His Majeſty; the Secretary; Surveyor General and Treaſurer of the Province; Officers of His Majeſty's Cuſtoms; the Naval Officer and his Deputies; Phyſicians, Surgeons, and Attornies at Law; conſtant Ferrymen, (being licenced as ſuch) one Miller to each griſt mill; and all perſons between the ages of fifty and ſixty years, and perſons commonly called Quakers, and duly certified as ſuch by their ſociety. *Provided always*, That all perſons ſo exempted from training, ſhall be, at all times, furniſhed with arms and ammunition in manner preſcribed by this Act, and under the like penalties for neglect thereof; and ſhall be liable to, and attend, all other duties directed by this Act for perſons enrolled in the militia, by themſelves, or ſufficient ſubſtitutes, excepting only the following perſons, viz. The Members of His Majeſty's Council; the Judges of the Supreme Court; the Secretary of the Province; and perſons commonly called Quakers, and duly certified as ſuch by their ſociety, ſhall not be liable to the duties of watching and warding.

Perſons exempted from training

VI. *And be it further enacted*, That if any non-commiſſioned officer, or private, of any company of militia, ſhall be guilty of drunkenneſs, contemptuous behaviour, diſobedience of orders, or ſhall otherwiſe miſbehave himſelf at any muſter or training, in ſuch caſe it ſhall and may be lawful for the officers commanding the company to cauſe ſuch perſon ſo offending to be immediately apprehended and committed to the county goal, for a time not exceeding three days, nor leſs than twelve hours: there to remain without bail or mainprize; and the captain, or officer commanding ſuch company, ſhall, with the perſon to be committed, ſend to the Sheriff of the county, or his goaler, a warrant under his hand and ſeal, for the receiving and keeping the ſaid offender, in the words following, that is to ſay:

Puniſhment of perſons guilty of drunkenneſs or miſbehaviour.

To A. B. Sheriff of the County of or to his Goaler.

You are hereby required to receive C. D. of my company, who was guilty of on the day of in the year of our Lord 17 at a muſter (or training) and him cloſely confine in your goal for the ſpace of hours, from the time of his being delivered into your cuſtody, and, at the expiration whereof, you are to releaſe the ſaid C. D. on his paying your fees, and this to you, or either of you, ſhall be your ſufficient warrant.

And on refuſal or neglect of the ſaid Sheriff, or Goaler, to receive ſuch perſon ſo committed into his cuſtody, he ſhall forfeit and pay the ſum of five pounds for each and every offence; and the ſerjeant or corporal, who ſhall be ordered by the officer commanding the ſaid company to eſcort the ſaid offender to goal, ſhall, in caſe of neglect or refuſal, be reduced to the ranks, and ſhall for each and every ſuch offence forfeit and pay the ſum of forty ſhillings; and each and every private, who ſhall be ordered by the commanding officer as aforeſaid, for the purpoſe of eſcorting the ſaid offender as aforeſaid, who ſhall neglect or refuſe to do the ſame, ſhall forfeit and pay the ſum of ten ſhillings.

VII. *And be it further enacted*, That there ſhall be an adjutant appointed to each regiment, or battalion, in the Province, whoſe duty it ſhall be to attend at the place of aſſembling each company, regiment, and detachment of the regiment, when called out as aforeſaid, then and there, under the direction of the officer commanding, to inſpect their arms, ammunition and accoutrements, to ſuperintend their exerciſe and manœuvres, and introduce a proper ſyſtem of military diſcipline, agreeable to ſuch orders as he ſhall receive from time to time from the

Appointment of Adjutant for each regiment, and his duty.

colonel, or commanding officer, of the regiment, and to do and perform ſuch other duties and ſervices, ſuitable for an adjutant, as the colonel, or commanding officer of the regiment, ſhall from time to time order and direct; and that every ſuch adjutant ſhall be allowed, as a full compenſation for all the ſervices he is required to perform by this Act, the ſum of five ſhillings by the day, for every day he ſhall be actually employed in the exerciſing and manœuvering as aforeſaid, to be paid out of the Provincial Treaſury, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the certificate of the field officer, and a majority of the captains of the regiment or battalion, that ſuch adjutant is duly qualified, and has faithfully performed the ſervices preſcribed by this Act. *Provided always*, That no one adjutant be allowed more than fifteen pounds in any one year.

Allowance to Adjutant, while employed.

VIII. *And be it further enacted*, That the captain, or officer commanding each company, ſhall, and is hereby fully impowered to, nominate and appoint proper perſons to ſer ve as ſerjeants, corporals, and clerks, in the reſpective company, which ſuch captain or officer commands and to diſplace them, and appoint others in their room, as he ſhall ſee occaſion; and if any perſon ſo appointed, ſhall refuſe to accept ſuch appointment, he ſhall forfeit and pay a fine of forty ſhillings, and another ſhall be appointed in his room, who, in caſe of refuſal, ſhall be liable to the ſame fine, and ſo on, until one do accept.

Appointment of Serjeants, Corporals and Clerks.

IX. *And be it further enacted*, That all clerks of companies, before they enter on the execution of their duty, ſhall take the following oath, viz.

Clerk to take the following oath.

I do ſwear truly to perform the office of clerk of the militia company under the command of A. B. to the utmoſt of my ſkill and power in all things appertaining to my office, according to law. So help me God.

And the duties of clerks of companies ſhall be to keep regiſters of their reſpective companies, to notify ſuch non commiſſioned officer or offi cers, as ſhall be appointed by the officers commanding companies, to warn the men for training, and all other duties preſcribed by this Act, to take liſts of ſuch companies as often as required by the officers commanding them, to attend commiſſioned officers making inſpection of arms, to attend all muſters, and to proſecute for all offences, and ſue for all penalties incurred by this Act, when ſo ordered by the officers commanding ſuch company or regiment, and ſuch clerk ſhall be allowed and paid one fourth part of all fines and forfeitures he ſhall recover by virtue of this Act, as a reward for his trouble, in doing the duties enjoined thereby.

Duties to be performed by the Clerk.

X. *And be it further enacted*, That when any perſon ſhall be enrolled as drummer or fifer in any company, he ſhall remain in ſuch company, notwithſtanding he may not reſide in the diſtrict which compoſes the ſame. *Provided*, That no drummer or fifer ſhall be obliged to ſerve in any company, but in the town where he reſides, unleſs ordered on a march.

Removal of Drummers and Fifers.

XI. *And be it further enacted*, That twice in every year, viz. on or before the laſt day of March and November, the colonels, or other officers commanding regiments or battalions, and the officers commanding independent companies, ſhall make out and tranſmit to the Adjutant-General, at the Secretary's office in Halifax, for the information of the Governor, Lieutenant-Governor, or Commander in Chief, returns of the ſtrength of their regiments, battalions or companies, and alſo returns of arms; and all captains, or officers commanding regimented companies, are hereby required to make out and tranſmit to the officers commanding the regiment or battalion to which ſuch companies belong, twice in every year, viz. on or before the fifteenth day of March and November, annually, and as often further as required by the commanding officer of the regiment, returns of the ſtrength of their reſpective companies, with fair rolls thereof, and alſo returns of arms: all forms of returns preſcribed by the Adjutant-General to be uniformly adopted; and any officer guilty of wilfully making any falſe returns

Of returns of the Militia.

returns, shall be cashiered by the sentence of a general court-martial, to be appointed as is hereinafter directed, and shall moreover be liable to a fine not exceeding twenty pounds.

Inspection of Arms, &c.

XII. *And be it further enacted*, That the colonel, or officer commanding any regiment or battalion, shall, twice in every year (besides the usual times of training,) order an inspection of the arms, accoutrements and ammunition, of the several companies under his command, to be made at one and the same time, by one subaltern from each company, attended by the clerk thereof, and by calling on each and every man of the said company, at the usual place of his or their abode; which subaltern, shall make an exact return of such arms, accoutrements and ammunition, describing the state and condition thereof; and every person required by law to be provided with arms, accoutrements and ammunition, who shall, at such inspection, have such arms in unserviceable condition, or shall be deficient in any of the appurtenances prescribed by this Act, shall forfeit and pay for each deficiency, the like sum as if such deficiency had happened at a muster or training.

Penalty for such as interrupt Militia when at exercise.

XIII. *And be it further enacted*, That if any person shall wilfully interrupt any company or detachment of militia at exercise, or on any duty prescribed by this Act, it shall and may be lawful for the officer commanding such company or detachment, to confine such person during the time of such exercise or duty, (if necessary,) to prevent the continuance of such insult or wilful interruption; and the person so offending shall forfeit and pay the sum of ten shillings, for each and every offence.

Of persons claiming exemption from duty, by reason of sickness, &c.

XIV. *And be it further enacted*, That when any person enrolled in the militia, shall make it appear to the colonel, or officer commanding the battalion, and captain, or officer commanding the company to which such person may belong, that by reason of sickness, accidental or natural infirmity, he is unable to perform the military duties required by this Act; that it shall and may be lawful for such colonel, and captain, or officers, to give such person a certificate thereof, which certificate shall exempt such person from such duties during the continuance of his disability, and in case such colonel, and captain, or officers commanding such battalion and company, shall judge it necessary to have the opinion of some able surgeon or physician, as to the disability of the person claiming an exemption from military service as aforesaid; that it shall and may be lawful for such colonel, captain or officer, to apply to any able physician or surgeon, residing within the county or district to which such battalion belongs, for his opinion, on the complaint and disability of the person claiming exemption as aforesaid: which opinion the said physician or surgeon is hereby required to give forthwith, without fee or reward, under penalty of forfeiting, for every offence, the sum of forty shillings.

Surgeon obliged to give his opinion of such complaint.

Officers commanding companies to confer for the better regulation of their companies.

XV. *And be it further enacted*, That the colonel, or officer commanding any regiment or battalion, shall, once in every year, within the first fourteen days of the month of March, and as often further as, with the advice of three captains of his regiment, he shall judge fit, require the captains, and officers commanding companies, to meet at such time and place, as he shall appoint, and there, with them, confer and take order for the better regulation of their companies, for establishing and altering the limits of districts, and prescribing the number of men in each company; appropriating such fines as by this Act are to be applied to the service of the regiment; and to make such rules and regulations as to them, or the major part of them, may seem meet, for the promotion of subordination and military discipline in the regiment or battalion to which they belong, and all officers shall yield obedience to the warrants or commands of their superior officers, and shall observe such regulations, being in writing, as may be made at the meetings herein prescribed, under penalty not exceeding five pounds, to be adjudged at the next meeting as aforesaid. *Provided always*, That no officer shall be bound by any regulation, regarding his dress or appointments, unless two thirds of all the commissioned officers of the regiment or battalion shall have concurred thereto. *And provided also*, That an account of all fines, with their appropriations, as aforesaid, shall, from time to time, be rendered to

Dress of the Officers.

Account of the Fines.

to the Secretary's office, by the colonels, or other officers commanding regiments or battalions, and by the officers commanding independent companies, and subject to the like penalty for defaults; and that no rule or regulation, made at any of the aforesaid meetings (excepting only such as may relate to the establishing the limits of districts, and numbers of men in each company, or to the appropriation of fines) or any warrant or command thereupon, shall be of any force or validity, till the same shall have been transmitted to the Governor, or Commander in Chief, and shall have received his approbation.

And whereas there are sundry militia officers holding commissions, who, by removing from one district to another, or, from other circumstances, are not attached to any particular regiment or company:

Officers removing, to do duty where they reside

XVI. *Be it enacted*, That such officers shall not be obliged to do duty in any situation under the rank to which their commissions entitle them, but shall nevertheless hold themselves in readiness to join companies, or to do duty according to their rank, when ordered by the officers commanding in the counties where they reside, and in case of neglect or refusal, shall be considered as having resigned their commissions. *Provided always*, That nothing contained in this clause, shall extend, or be construed to extend, to any person who, having received a commission in the militia, shall have resigned the same.

Calling of the Militia into actual service.

XVII. *And be it further enacted*, That the Governor, or Commander in Chief, shall be, and he is hereby authorized and impowered in case of any invasion or sudden attack made, or threatened, by his Majesty's enemies, to call out the militia of the several counties, or any part thereof, into real service, as he, in his discretion, shall think fit; and that the militia, or any part thereof, so called into real service by virtue of the provisions in this Act, shall and may be ordered to march from one county or part of the Province to another, on any necessary service, occasioned by any such invasion, or sudden attack made, or threatened.

Commanding Officer for the time, if occasion require, to order militia on service, and empowered to impress men, horses, boats, carts and waggons that may be wanted.

XVIII. *And be it further enacted*, That in case of any invasion, or sudden attack, made, or threatened to be made, as aforesaid, in any county where the Commander in Chief cannot be immediately consulted, the commanding officer of the militia in such county shall have power, if he in his discretion shall think it absolutely necessary, to call out the militia of such county, or any part thereof, into real service; and in case of any such invasion, or sudden attack being made, or threatened to be made, in any town, parish or district, in any county where the colonel or commanding officer of the militia of such county cannot be immediately consulted, the officer commanding the militia in such town, parish or district, shall have power, if he in his discretion shall think it absolutely necessary or expedient to call out the militia under his command, or any part thereof, into real service, and such officer last mentioned, shall forthwith report his proceedings, and the reasons and grounds thereof, to the colonel, or commanding officer of the militia of the county, who is hereby impowered and required, in case he shall call out, or continue in real services, any part of the militia under his command, forthwith to dispatch, if necessary, an express to the Governor, or Commander in Chief for the time being, notifying the danger, and the strength and motions of the enemy; and the said colonel, or commanding officer, is hereby impowered to impress men and horses, boats, carts or waggons, as the service may require; and all expresses so ordered, and the men so impressed, or owners of such horses, shall be allowed a reasonable compensation for such service, to be paid out of the Provincial Treasury, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, and on certificate of such colonel, or commanding officer, and two captains of the militia of such county, that such expenses have been justly incurred.

Compensation for such impress.

Duty of Militia when called into service to be re-

XIX. *And be it further enacted*, That when, in consequence of the order of the Commander in Chief, or in the cases herein before mentioned of the colonel or officer commanding the militia

militia of any county, shall be called into real service in the county to which they belong, all duties to be performed, except in cases of great emergency, shall be regulated by rosters, to be kept of the militia fit for duty, so that such service may be equitably distributed; and every officer, or person enrolled in the militia, so called into actual service, is hereby bound and required to yield obedience to all lawful commands of his superior officers for mounting guards, erecting works, and other military services; for repelling, resisting, or guarding against the attacks of the enemy, under penalty of incurring the forfeitures appointed by this Act, for disobedience of orders.

gulated by rosters except in cases of great emergency.

Men enrolled to obey superior officer.

XX. *And be it further enacted*, That if any officer, or non-commissioned officer or soldier of the militia, under arms on real service, on a march, or on guard, or that shall be ordered for any of the above mentioned duties, shall disobey orders, or neglect doing his duty, or shall shew any contemptuous behaviour towards his superior officers: if an officer, he shall, on conviction thereof before a general court martial, to be constituted and appointed as herein after is directed, be cashiered by the sentence of such court martial; if a non-commissioned officer, or soldier, he shall be confined by the commanding officer of such party or guard; and it shall be lawful for the commanding officer of the regiment, or any party or detachment not under the degree of a captain, to order a regimental court martial to be forthwith held for the trial of such offender, the said court martial to consist of one captain, and two subalterns at least, but when they can be had, of one captain, and four subalterns; who may give judgment by laying a fine on such offender, in any sum not exceeding forty shillings, which fine, so ordered by the court-martial, if he neglect or refuse to pay, the said offender shall be committed to the county goal, for any time not exceeding ten days. *Provided nevertheless*, That no sentence of a regimental court martial shall be put into execution until approved by the commanding officer of the regiment, or of the detachment where the crime may have been committed; and no officer being the accuser shall sit as a member.

Punishment of persons disobeying the orders of their superiors.

XXI. *And be it further enacted*, That if any officer, non-commissioned officer or soldier, of the militia, shall, in the field, upon a march, or in quarters on actual service, begin, excite or join in, any mutiny, or knowing of such mutiny begun or intended, shall not give information thereof to his commanding, or other superior officer, or shall not, when thereunto ordered, use his utmost endeavours to suppress such mutiny, or shall desert the troop, company or command, to which he belongs, or shall disobey orders, if a commissioned officer, he shall be put under arrest by any superior officer, if a non-commissioned officer or soldier, he shall be committed to the next county or other goal as soon as convenient, by warrant under the hand and seal of the officer commanding the regiment, company or detachment, to which such person, so offending, shall belong, and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief of the Province for the time being, to order a general court martial, by warrant under his hand and seal, for the trial of such offender, as speedily as the service will admit, which court martial shall not consist of a less number than thirteen commissioned officers of the militia, and the president of such court martial shall not be under the rank of a field officer, and there shall be as many captains as conveniently can be had, the eldest subalterns to make up the number, and that such court martial shall have power to administer an oath to any witness, in order to the examination or trial of the above offences, that shall come before them.

Forming Court Martial for trial of Mutiny, Desertion and disobedience of order.

XXII. *And be it further enacted*, That such general court martial shall have power to punish with death, or otherwise, by fine, or imprisonment, in proportion to the enormity of the offence, the fine not exceeding one hundred pounds, or imprisonment not more than twelve months. *Provided always*, That the power of punishing with death shall be limited to the offences of mutiny and desertion only. *And provided always*, That in all trials by general court martial every officer, before any proceedings be had, shall take the following oath, and the Judge Advocate is hereby authorized to administer the same, viz.

Power of Court Martial in cases of Mutiny and Desertion, and to punish other offences.

I.

Oath to be taken by Members of the Court.

I A. B. Do swear, that I will duly administer justice, according to the laws of this Province now in force for the better regulating the militia, without partiality, favour or affection; and I further swear, that I will not divulge the sentence of this court until it shall be approved by His Majesty, or some person duly authorised by him; neither will I, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a Court of justice, in a due course of law. So help me God.

No sentence of death to be given unless twelve concur.

And no sentence of death shall be given against any offender, by such general court martial, unless twelve officers present shall concur therein; and the Governor, Lieutenant-Governor or Commander in Chief, shall have power to appoint any one of His Majesty's Justices of the Peace for said Province, or other fit person, to act as Judge Advocate at any such general court martial. *And provided always*, That the Judge Advocate, previous to any proceedings had on the trial of any prisoner, take the following oath, to be administered by the president of the court martial to wit:

Appointment of a Judge Advocate.

Oath to be taken by Judge Advocate.

I A. B. do swear, that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness by a Court of Justice in a due course of law. So help me God.

And that no sentence of such general court martial shall be put in execution before the same be approved by the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Of able bodied volunteers.

XXIII. *And be it further enacted*, That whenever the Governor, or the Commander in Chief for the time being, shall, in consequence of any invasion or attack made, or threatened as aforesaid, think it expedient to order a proportion of the militia of any county, to march out of such county on real service, that all volunteers, who offer themselves for such service, (being able of body in the opinion of the field officers of the regiment, to which such volunteer or volunteers belong,) shall be accepted therefor, and being so accepted, shall be subject to all the provisions of this Act, as though they had been draughted by ballot, the remainder of the proportion of said county to be ballotted for as herein after directed; and every person so accepted as a volunteer from any independent company, or regimented company, of the militia, shall have the privilege of exempting from balloting, for that especial service, so many men belonging to the same, or any other company or companies of the militia of said county, as shall amount to his proportion of the number ordered from such county; and such men shall be exempted from balloting for that special service as aforesaid, in the companies to which they respectively belong, on producing a certificate from any officer ordered for service out of the said county as aforesaid, that such volunteers have been accepted to serve for such men.

Mode of balloting.

XXIV. *And be it further enacted*, That all ballots shall be in exact proportion to the number of men fit for duty in each company, who have not been already draughted for service, or who be not exempt by certificate, as herein before directed, from balloting for that especial service; and where any emergency shall render it impracticable to assemble any company for the purpose of balloting, such balloting shall be made by the officer commanding such company, in presence of one of His Majesty's Justices of the Peace, and two other credible persons not belonging to the said company, who shall be upon oath: and each and every person so draughted shall go in his own proper person, or find a sufficient substitute, to be approved of by the officer commanding the detachment, or field officer of the regiment in his room; and in case of neglect or disobedience herein, he shall be confined by the commanding officer, and shall pay a fine of ten pounds, or remain in goal three months, and another man shall be draughted as aforesaid, to march in his place, who shall have the whole of the said fine, if he shall not refuse or neglect to go, or find a sufficient substitute in his room as aforesaid: but if he shall also neglect, or refuse, then he shall be subject to the like fine or imprisonment, and a further draught shall be made of another man, who shall have the whole

of

of the fine laſt mentioned, if he ſhall not neglect or refuſe to go, or find a ſufficient ſubſtitute in his room as aforeſaid, and ſo often as ſuch caſe ſhall happen. *Provided always, and it is hereby declared*, That the reſt of ſuch fines, if more than one, ſhall accumulate and be recoverable to the uſe of the regiment, to which ſuch draughts belong. *Provided alſo*, That in caſe any part of the militia in any county ſhall be called not more than once within four years, no perſon who has been once draughted as aforeſaid, and ſhall have ſerved, ſhall be again draughted, until all the others belonging to the ſame company, who are not exempted by volunteers ſerving for them, ſhall have been draughted, and ſhall have ſerved in their turns alſo. *Provided always*, That no perſon commonly called quakers, and duly certified as ſuch by their ſociety, ſhall be liable to the foregoing fine; but in caſe of ſuch quaker being draughted as aforeſaid, and refuſing to ſerve or procure a ſubſtitute as aforeſaid, it ſhall and may be lawful, for the captain or officer commanding the company, to which ſuch quaker belongs, to procure and hire a ſubſtitute for ſuch quaker, and ſuch quaker ſhall be liable to pay the expence of ſuch hiring, to be recovered before any two of His Majeſty's Juſtices of the Peace; and provided the ſame ſhall not exceed the ſum of ten pounds.

Servitude of the men of each battalion or regiment.

Quakers being drafted and refuſing to ſerve to pay for a ſubſtitute.

Whereas the people called quakers are exempted from meeting with the militia on the ſeveral days of training by this Act; and whereas it is but juſt and right thoſe people ſhould contribute to the public ſervice of the country:

XXV. *Be it therefore enacted*, That every perſon, under the aforeſaid deſcription, from the age of twenty one years, to the age of fifty years, ſhall, yearly, during the continuance of this Act, work for the ſpace of four days on the public highways, under the direction of the overſeers of the highways in the diſtrict to which he belongs, over and above the time he is, by any other Act of the Province, bound to work; or ſhall pay the ſum of three ſhillings for every day he ſhall neglect ſo to work, to be recovered before any one of His Majeſty's Juſtices of the Peace.

Quakers liable to work on the road.

XXVI. *And be it further enacted*, That when any part of the militia ſhall be ordered to march from one part of the Province to another, on real ſervice as aforeſaid, or ſhall be called out as aforeſaid, to do actual duty, on real ſervice, within any town or county in this Province, (otherwiſe than by mounting ordinary guards, for the defence of any place in ſuch town or county) there ſhall be allowed and paid to the commiſſioned, and non-commiſſioned, officers, drummers, fifers and private men, for ſo long a time as they ſhall remain on ſuch ſervice, at and after the ſame rates following: that is to ſay, to the commiſſioned officers, at and after the ſame rate as officers of the like rank in His Majeſty's troops; to every ſerjeant two ſhillings and two pence per day; to every corporal, one ſhilling and ſix pence per day; to every drummer, and to each fifer, one ſhilling and ſix pence per day; to every private man, one ſhilling and three pence per day, together with the like allowance of rations of proviſions of all kinds, as are diſtributed and allowed to His Majeſty's regular forces, and ſubject to the like deductions therefor.

Payment of Militia, when called out, (except for ordinary guards, where they reſide.)

XXVII. *And be it further enacted*, That in any county, expoſed to the attacks of an enemy by water, it ſhall and may be lawful for the General Seſſions of the Peace, on preſentment of the Grand Jury of ſuch county, to aſſeſs ſuch ſum or ſums, as may be ſo preſented, for the providing one or more armed boats, for the defence of ſuch county or townſhip; ſuch boat or boats to be under the direction of the officer commanding the militia in ſuch county, until by the ſeſſions, and on preſentment of the grand jury aforeſaid, ſuch boat or boats ſhall be judged no longer neceſſary; when they ſhall be at the diſpoſal of ſuch ſeſſions, on the preſentment of ſaid Grand Jury, for the benefit of ſuch county.

Manner of furniſhing armed boats, in places expoſed to attack by water.

XXVIII. *And be it further enacted*, That whenever the colonel, or commanding officer of the militia in any county, where ſuch boats are provided, ſhall find it neceſſary to order the boats,

What is required of the militia when ordered on ſervice in boats.

boats so provided, or any other boats or vessels with which he may be furnished, to proceed in repelling the enemy, or to the assistance of any neighbouring district or place, or to be stationed as a watch for the defence of any such place, the militia of such county, shall, on the orders of such commanding officer, proceed in such boats accordingly. *Provided always*, That the officer commanding the party of militia on board such boat or boats, shall have the command also of such boat or boats, and that the militia shall not be obliged to proceed more than three leagues from the land when so ordered.

Muster roll of independent companies, to be rendered: and to whom.

XXIX. *And be it further enacted*, That every captain, or officer commanding an independent company, shall thrice a year, if thereunto required, deliver a copy of His muster roll to the colonel, or commanding officer of the regiment or battalion of the county, where such independent company may be, and in case of the militia in such county, or any part thereof, being called into actual service on account of any invasion or sudden attack made, or threatened to be made, by His Majesty's enemies every such independent company shall, in the absence of the Governor, or Commander in Chief of the Province, or until otherwise ordered by him, be under the immediate command and direction of the colonel, and, in his absence, of the next commanding officer of such regiment.

Disabled men to be taken care of at the expense of the Province.

XXX. *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the enemy, he shall be taken care of at the expense of the Province, during the time of such disability.

And whereas arms and accoutrements have been issued from His Majesty's stores, for the use of some of the militia, in several parts of this Province; and it is necessary to provide for the security of those arms and accoutrements, or such as may hereafter be issued on any occasion:

Of the issuing of Arms &c.

XXXI. *Be it further enacted*, That such arms so issued, or which may hereafter be issued, shall be branded distinctly on the broad part of the butt, with the letter M. and the name of the county to the militia of which they are issued (such brand to be provided by the Treasurer of such county) and delivered to the officer commanding the militia thereof, and all captains, or other officers commanding companies, shall be, and are hereby made responsible (except in case of unavoidable accident) for the safe keeping, and return, if called for, of such arms and accoutrements as were issued to the men in their respective companies, or may hereafter be so issued; and such captains, or officers commanding companies, are hereby impowered and required, to take into their possession all such arms and accoutrements, except where the persons to whom they have been issued shall give unexceptionable security for the safe keeping and return of the said arms and accoutrements, in which case such persons shall be intitled to keep possession of such arms and accoutrements, while they remain in the township in which such company may be; and, in case of the removal of any such persons from one company in said township to another, their security shall be transferred to the officer commanding the company to which such person shall remove, who shall give a receipt for such arms, accoutrements, which receipt shall exonerate the captain, or officer commanding the company from which such person removed, from his responsibility for such arms and accoutrements, which shall then attach to the captain, or officer commanding the company into which such person shall remove; and if any person having such arms or accoutrements in his possession, shall vend, pledge, or exchange, the same, or any part thereof (without leave of the officer commanding the company, to which such person belongs) or shall convey, or cause the same, or any part thereof, to be conveyed out of the township to the militia of which such arms and accoutrements were issued, (except when ordered on real service); or shall convey, or cause the same to be conveyed, on board any boat, ship or vessel, with intent to have the same carried out of the county, or Province;

vince; or if the master of such boat, ship or vessel, shall wilfully receive into his boat, ship or vessel, any such arms or accoutrements so intended to be conveyed out of the Province, every person so offending shall, for each and every offence, forfeit and pay the sum of ten pounds: and all fines, recovered by virtue of this clause, shall be applied to the purpose of defraying the expences incurred in repairing such arms and accoutrements, and making good any deficiency, which, from unavoidable accident, may have happened, in such arms and accoutrements; the overplus, if any, to be appropriated as other fines incurred by the provisions of this Act.

Application of the above fines.

XXXII. *And be it further enacted*, That the Governor, or Commander in Chief of the militia for the time being, is hereby impowered to cause alarm posts, and signals, to be established, when and so often as he may think it necessary in time of war, in any place or places of this Province; and all orders received from the Governor, or Commander in Chief, or by the officer appointed by him for this purpose, shall be punctually obeyed, under the penalty of incurring the forfeiture incurred for disobedience of orders; and every person or persons who shall wilfully make, or cause to be made, any false alarm, shall forfeit and pay, for every and each offence, the sum of fifty pounds.

Governor to establish Alarm Posts and Signals.

Persons making false alarms to forfeit Fifty Pounds.

XXXIII. *And be it further enacted*, That when the militia of this Province, or any part thereof, shall be ordered to march from one district to another, it shall and may be lawful for the Justices of Peace, inhabiting in, or near any town, village or place, into, or through, which such militia shall arrive or pass, to quarter and billet the officers and soldiers of the militia, so on their march as aforesaid, in inns, taverns and ale-houses, and where there shall not be found sufficient room in the inns, taverns and ale-houses, then to quarter and billet the remainder of such officers and soldiers of the militia as aforesaid, in the houses of persons selling spirituous liquors by retail, and in the houses of persons who have, within one month previous to the marching of such militia, kept an inn, tavern or ale-house; and all persons on whom the militia shall be quartered and billeted as aforesaid, shall, and are hereby required to, furnish the said officers and soldiers, so billeted on them as aforesaid, with lodging, and good and sufficient provisions, consisting of bread, flesh and vegetables; and the officer commanding each, and every, detachment of militia, so quartered and billeted as aforesaid, shall give to the person or persons on whom they shall be so quartered and billeted, receipts, or certificates, of the number of meals furnished to his detachment, which receipt shall entitle such person or persons to receive from the treasury of the Province, six pence for every meal, so to be furnished as aforesaid, and one penny for every night's lodging so to be furnished, the same to be drawn for by warrant on the treasury, by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council; and if any officer shall give any receipt, or certificate, for any greater number of men than he has then actually present with him, or for a greater number of meals of provisions, or nights' lodging, than has actually, and *bona fide*, been by him received for the use of his detachment or command, such officer, on conviction thereof before a general court-martial, shall be cashiered, and shall moreover forfeit and pay a fine of fifty pounds: to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in this Province: one half whereof shall go to the informer, and the remainder be paid into the treasury of the Province, for the use of the Province.

Billeting of Officers and Soldiers on a march through the Province.

XXXIV. *And be it further enacted*, That all fines and forfeitures incurred by this Act, not exceeding three pounds, shall be recovered before any one of His Majesty's Justices of the Peace, not being an officer of the company in which such fines shall be incurred; and it shall not be lawful for the Justice, before whom such fines and forfeitures shall be recovered, to accept or take any fees for doing the duties enjoined by this Act, on his own account: and all other fines and forfeitures, above three pounds, shall be recovered in any of His Majesty's Courts of Record within this Province, unless the recovery of the same be otherwise provided

Recovery and application of all Fines.

for by this Act. *Provided*, That no person or persons whomsoever shall be prosecuted by virtue of any clause in this Act, for any breach thereof, after the expiration of three months from the commission of the offence; and all fines, penalties and forfeitures, arising by virtue of this Act, not otherwise disposed of therein, shall be for the use of the regiment or independent company respectively, wherein the same doth arise, and payable, and the officer commanding such regiment or independent company, that is to say, for the procuring and repairing arms, drums, colours, pay of drummers, and other charge of the said regiment or independent company, and the overplus, if any be, to be laid out for arms and ammunition, for the use of such regiment or independent company.

Officers commanding companies to read this Act at their head once a year, under penalty.

XXXV. *And be it further enacted*, That this Act shall be read once every year by the officers commanding companies, at the head of their respective companies, on pain of such commanding officer forfeiting for every offence, the sum of five pounds.

All former Acts, respecting Militia, repealed.

XXXVI. *And be it further enacted*, That an Act, made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act for establishing and regulating a militia; and also an Act, made and passed in the thirty-second year of His present Majesty's reign, entitled, An Act for the better regulating a militia in time of war: together with all the additions to, and amendments of, the said recited Acts, shall be, and the same are hereby, repealed; and the militia, raised by virtue of the said former Acts, shall be subject to all the provisions and regulations herein contained in lieu thereof.

Continuance of this Act.

XXXVII. *And be it further enacted*, That this Act shall continue, and be in force, to the first day of July, one thousand seven hundred and ninety six, and until the end of the next Session of the General Assembly, and no longer.

CAP. VII.

Expired.

An ACT to provide for the Summary Trial of Actions, heretofore vested in His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

CAP.

CAP. VIII.

An ACT in amendment of an Act, made in the Thirty-fourth year of His present Majesty's reign, entitled, an Act in addition to, and amendment of, an Act, made in the Thirty third year of His present Majesty's reign, entitled, an Act for granting to His Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest, and reducing the Principal, of the public Debt of this Province; and also to revive, and render more effectual, an Act passed in the same Thirty-third year of His present Majesty's reign, entitled, an Act for providing for the Support of His Majesty's Government in this Province, by laying an additional Duty on Wine, Rum, and other Articles therein mentioned, and for encouraging the Agriculture, Fisheries and Commerce, of this Province.

For Acts respecting Revenue see note on 29th Geo. 3d, Cap. 14.

Preamble.

WHEREAS *divers provisions are necessary to render more effectual the aforesaid Acts:*

Rum or Spirits, stored for the use of the Army, Navy, &c. to be exactly guaged and no allowance to be made for leakage.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That all rum, and other distilled spirituous liquors, which shall be stored for the purpose of supplying His Majesty's army, navy, or careening yard, as directed by the aforesaid Acts, or either of them, shall be exactly guaged, without an allowance of five per cent. for leakage, and the quantity contained in each cask, marked by the Guager on the head thereof, for which quantity, and no more, the person supplying the same to His Majesty's army, navy and careening yard, shall be allowed credit for, or be repaid, the duties by him secured or paid thereon.

Officers of Excise to take account of dutiable articles, in stores, &c. once in three months.

II. *Be it further enacted*, That the Collectors of Impost and Excise in their several districts, and the Inspector and Searcher in the district of Halifax, shall, once in every three months, or oftener, if they shall think proper, take an account of all the articles subject to duty by virtue of the aforesaid Acts, or either of them, which shall be in the possession of any person dealing in the said articles, within their respective districts, and for that purpose, shall and may, at any time between the rising and sitting of the sun, on any day, enter into any house, shop, or storehouse, of any person or persons, so dealing in the said articles: and if any person or persons so dealing in articles, liable to duty aforesaid, shall refuse to open the door of his, her or their, house, shop, or storehouse, or shall prevent or obstruct such Collector or Collectors, or Inspector and Searcher, from entering in such house, shop, or storehouse, for the purpose aforesaid, such person or persons shall forfeit the sum of one hundred pounds, to be recovered by such Collector or Collectors, or Inspector and Searcher, by bill, plaint or information, in any of His Majesty's Courts of Record, within this Province.

Penalty for such as obstruct them.

Whereas by reason of accidents and delays during the time of war, persons who have exported, or may hereafter export, articles liable to duties as aforesaid, may not be able to procure the certificates, by law required, to entitle them to have credit for, or to be repaid, the duties by them secured or paid thereon, within the time limited by law, for producing such certificates: And whereas it may often happen that such articles so exported, or to be exported as aforesaid, may be lost, or taken by the King's enemies, before they arrive at the port or place to which they are, or shall be destined; for remedy thereof:

Additional time allowed for ob-

III. *Be it enacted*, That it shall and may be lawful for the Commissioners of the Revenue for

drawback of duties, on exported articles.

for the time being, in cases where they shall deem it just and necessary, to allow any person or persons, who have exported, or shall export, any of the said articles liable to duty as aforesaid, a reasonable time above the space of one year, now by law allowed, for the return of the certificates required to entitle them to have credit for, or to be repaid, the duties by them secured or paid thereon, during which time the duties secured on such articles, shall not be demanded of the exporters of the same.

Drawback of duties on articles lost, or captured in exportation, how obtained.

IV. *Be it further enacted*, That in case any of the articles liable to the duties aforesaid, shall be exported out of this Province, agreeable to the provisions of the aforesaid Acts, or either of them, and shall be lost, or taken by the King's enemies, it shall and may be lawful for the Commissioners of the Revenue, upon full proof of such loss or capture, to order and direct that the exporter thereof shall receive credit for, or repayment of, the duties by him secured or paid thereon, in the like manner as such exporter would be entitled to receive the same, upon his producing the regular certificates of exportation and landing such articles, required by the said Acts, or either of them.

Appointment of Collectors, &c. in out-ports, and districts; and their duty and authority.

V. *Be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to authorize and empower such fit and proper persons, as he shall think convenient, in the several out-ports and districts in this Province, who shall and may enter on board any ship or vessel, which shall arrive or come into the port or district for which they shall be appointed, with articles liable to duties by virtue of any of the Acts of this Province, to examine and search the same, and such officers, so to be appointed, shall and may seize and prosecute to condemnation any ship, vessel or goods, liable to forfeiture by the Acts, or either of them, and to sue for, and recover, any fines, penalties and forfeitures, imposed by the said Acts, for the same causes, and in the same manner, as the Collectors of Impost and Excise, in their respective Districts, are empowered to do the same; and shall be entitled to have and receive the same share and proportion of such ship, vessels, goods, fines and forfeitures, as such Collectors are, by the said Acts, or either of them, entitled to, on condemnation or conviction, in like cases.

Duration of the Act

VI. *And be it further enacted*, That this Act, and every matter and thing therein contained, shall be and continue, and the same is hereby continued in force, to the first day of July, one thousand seven hundred and ninety six, and no longer.

CAP. IX.

Expired.

An ACT to continue in Force, the several Acts therein mentioned.

CAP. X.

Executed.

An ACT for applying certain Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Seven Hundred and Ninety Five, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

CAP.

CAP. XI.

An ACT to raise a Sum of Money, not exceeding Two Thousand Pounds, by Lottery, for the purpose of building Bridges, and repairing and amending Roads within this Province.

This Act having received the approbation of His Majesty, was executed.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, and thence continued by several Prorogations to the Third Day of March, Anno Domini 1796, in the Thirty-Sixth 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 Fourth Session of the Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Sir Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in amendment of an Act, passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to raise a Revenue, for the purpose of paying off all such Debts as are now due by the Province, or which shall become due before the First day of July next, the Funded Debt only excepted; and to suspend the operation of such parts of the said Act, and the several Acts in amendment thereof, as relate to any new Tax, or Assessment, hereafter to be made.

Expired.

CAP. II.

An ACT to regulate Juries.

BE it *enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, every person not herein after exempted, having an estate of freehold in the county for which he shall be summoned, of the clear yearly value of ten pounds, and having

Of the qualification of Jurors.

having been resident therein for the space of three months, or a personal one of one hundred pounds, with like residence; or, in like manner, a freehold of twenty shillings, or personality to the amount of ten pounds, shall be respectively qualified, and liable, to serve upon Grand and Petit Juries within this Province. *Provided always*, That the Members of His Majesty's Council, the Members of the Assembly, the Treasurer and Secretary of the Province, the Officers of His Majesty's Courts, the Officers composing the Staff of the Army, the Clerks belonging to the several departments of the Army, the Officers and Clerks belonging to, and Labourers actually employed in, the Naval Yard, the Officers and Clerks belonging to, and Labourers actually employed in, the Civil Departments of His Majesty's Ordnance, the Officers of His Majesty's Customs, Register of Deeds, Chief Surveyor of the Crown Lands, Naval Officer, and his Deputies, Ministers, Attornies, Physicians, Surgeons, Engine Men, and persons above seventy years of age, are hereby exempted from such service.

Persons exempted from Juries.

II. *And be it further enacted*, That the different Sheriffs shall, once every year, viz. on or before the 10th day of April, return to the Prothonotaries, or Clerks, of the several Courts in which Juries are required to serve, lists of all persons so qualified, and not exempted as aforesaid, who shall thereupon cause the names of such persons to be written on distinct and similar pieces of paper, and the same to be severally rolled up, and put together in a box, to be kept by them respectively, under lock and key, for that purpose. And for the better enabling the Sheriff of the County of Halifax to make out such lists as have been accustomed to be by him returned for the service of the several Courts in that county, and in order to assist the other Sheriffs, throughout the Province, to complete their respective lists, he, or any of them, shall, upon request made by him, or any of them, respectively, to any person in that part of the County of Halifax, comprehended within the town and peninsula, or in any other County, who shall have in his custody any rates or assessments for the payment of taxes, have liberty to inspect the same, and take from them the names of all such persons liable to serve on Juries, as they shall be found to contain.

Mode of returning, and ascertaining, Jurors.

III. *And be it further enacted*, That the Grand Juries for the several Counties shall be drawn from the said box, in the Supreme Court, or in the Court of Quarter Sessions, for those counties to which the Supreme Court does not go, by the proper officer thereof, in the course of the last term or sessions in every year: and being afterwards summoned and sworn, at the first ensuing term or sessions in the following year, shall serve as such during the whole of the same. And the Prothonotary, or Clerk, of the Supreme Court, Inferior Court, and Court of Quarter Sessions, in every county, is hereby also directed, on or before the last day of each term or sessions, to draw in like manner the names of a sufficient number, to serve as Petit Jurors, for the term or sessions then next ensuing: lists of which, as also of the said Grand Juries, being respectively made out, by the said Prothonotary or Clerk, and signed by the Chief or first Justice, presiding at the time, the said Prothonotary, or Clerk, shall, ten days before the next meeting of the Court, issue writs of *venire facias*, for the summoning the persons contained therein accordingly. *Provided always, and be it enacted*, That the persons now returned, and serving on the different Grand Juries throughout the Province, shall continue to serve for the present year, as if they had been returned under this Act.

Grand and Petit Juries to be drawn from the Box the last Term or Sessions in every Year.

Lists to be signed by the Chief Justice and *venire facias* issued.

Persons now serving on Grand Juries to continue for the present Year.

IV. *And be it further enacted*, That every person duly summoned as aforesaid to serve upon any Jury, who, not being prevented by sickness, or other reasonable cause of absence, shall fail to appear, and serve upon the same, shall forfeit and pay for every day's default, if a Grand Juror, a fine not exceeding twenty shillings, and if a Petit Juror, a fine not exceeding ten shillings; which being levied, if necessary, by warrant of distress and sale, shall be paid to the Prothonotary, or Clerk, respectively, and be by them accounted for at the end of each term or sessions, to the Treasurer of the respective counties, to be from time to time applied by the Justices of the several Courts, for the countries use.

Grand Juries to pay every days, default a fine not exceeding 20s. and Petit Juries 10s.

V.

V. *And be it further enacted*, That if, by reason of just excuses to be allowed of by the Court, a sufficient number of persons so summoned as aforesaid, either as Grand or Petit Jurors should not be likely to attend in any particular term, sessions or year, it shall be in the discretion of the Court to return the names of the persons so excused, or of such of them as the Court shall think fit, into the box, as though they had not been drawn, and to draw others in their stead, who shall be forthwith summoned by the Sheriff, and be subject to all the consequences of non-attendance as before provided. And in every case where a full Jury for the trial of any cause shall not appear, or appearing shall, by challenge of either of the parties, otherwise prove deficient, a Tales *de Circumstantibus* shall be awarded, and immediately returned in manner as has been heretofore practised.

In case of default of Jurors others to be drawn in their stead.

VI. *And be it further enacted*, That it shall and may be lawful for His Majesty's Supreme Court, upon motion made on behalf of any party, in any cause, civil or criminal, to order a special Jury to be struck before the Prothonotary from the list in his office, according to the course of the common law, for which he shall be entitled to a fee of five shillings; and the Jury so struck, shall be the Jury to be summoned and returned for the trial of such cause.

Special Jurors to be struck before the Prothonotary from the list in his office.

VII. *And be it further enacted*, That where, in the Supreme Court, or in any of the Inferior Courts of Common Pleas, a view shall be allowed in any cause, six or more of the Jurors to be mutually consented to by the parties or their agents, or if they cannot agree, to be named by the Court, together with two persons to be in like manner appointed to shew them the matters in question, shall have the same; and the said viewers, or such of them, as appear, shall be first sworn upon the Jury, to try the cause, in which it shall have been allowed: And in case a view shall either not have been had at all, or not had by the number appointed, yet the trial shall proceed, and no objection be received on either side, on account thereof.

Where a view is allowed six of the Jurors to have the same.

CAP. III.

An ACT in addition to, and in amendment of, an Act, passed in the Sixth year of His present Majesty's reign, entitled, an Act for regulating the Times and Places of holding the several Courts of Justice therein named.

WHEREAS *it will greatly conduce to the speedy determination of suits in His Majesty's Supreme Court, and in the Inferior Court of Common Pleas at Halifax, to increase the number of Terms for the sitting of the said Courts, and to add to the number of days for the return of writs therein:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Supreme Court, (in addition to the terms now by law to be holden) shall hereafter be held annually on the second Tuesday of January in every year, and shall continue to sit for any period not exceeding fourteen days.

Supreme Court to hold an additional term at Halifax, on the second Tuesday January annually

II. *And be it further enacted, by the authority aforesaid*, That the Grand and Petit Jurors bound by law, to attend the setting of the said Court, shall not be bound to attend the said Supreme Court on the second Tuesday of January annually, or at any time during the continuance of that term, unless such Jurors shall be specially summoned to attend the same by the Sheriff of the said county, in consequence of an order from some one of the Judges of the said Court.

Attendance of Jurors in January, dispensed with, unless specially ordered to attend.

III. *And be it further enacted, by the authority aforesaid*, That from and after the publication hereof the Court of Common Pleas for the said county of Halifax, shall be holden on the first Tuesdays of March, June, September and December, in every year, to sit for any period, not exceeding fourteen days, and that the Justices of the said Courts respectively, shall and may appoint such, and so many days during the sittings of the said Courts for the returns

Time of holding Court of Common Pleas, for the County of Halifax established, and power given to Courts to appoint return days.

returns of writs and process, as to them, or the majority of them, shall seem proper and convenient.

And where as it will be convenient so to order the first sitting of the Inferior Court of Common Pleas, and General Sessions of the Peace, for the county of Cumberland, that those Courts may have the benefit of the same Juries summoned to attend the Supreme Court for that county:

Time of holding Court of Common Pleas for the County of Cumberland.

IV. *Be it further enacted, by the authority aforesaid,* That from and after the passing of this Act, the said Courts shall hold their first sittings in every year, upon the day next after the meeting of the Supreme Court, and that the Grand and Petit Juries returned for the said last mentioned Court, shall respectively serve at the said Inferior Court, and General Sessions of the Peace, in like manner as if they had been summoned for the same.

CAP. IV.

For Acts in addition to this Act, see note on 32d. Geo. 2d. cap. 24.

An ACT in addition to, and in amendment of, an Act, entitled, an Act for the limitation of Actions, and for avoiding Suits of Law.

Preamble.

WHEREAS *in negligent and involuntary trespasses it frequently happens, that actions are commenced before the party, committing the trespass, has an opportunity of tendering satisfaction, agreeable to the Act of Assembly, of which this in amendment:*

Notice allowed in actions of trespass.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That in all actions of trespass, *quare clausum fregit,* wherein the title of lands is not chiefly in question, hereafter to be prosecuted, the plaintiff shall, at least seven days previous to the issuing of process, serve the defendent with a notice in writing, to be left at the defendant's house, or place of abode, of his intention to commence such suit, unless the defendant shall, within that time, render reasonable satisfaction for the injury committed, and if, on the trial of any such actions, the plaintiff shall not prove due notice to have been given as aforesaid, he shall recover no more costs than damages; any law, usage or custom, to the contrary notwithstanding.

CAP. V.

An ACT to alter and establish the Place, where the Courts of Justice for the Townships of Yarmouth and Argyle, shall in future be held.

Preamble.

WHEREAS *the place where the Courts of Justice for the townships of Yarmouth and Argyle, are now held, is found inconvenient to the inhabitants of both townships; for remedy whereof:*

Courts of Justice for the townships of Yarmouth and Argyle, to be held at Tusket Village.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the publication hereof the Courts of Justice for the said townships, shall be held at the Tusket Village, on the eastern side of the Tusket river, and at no other place within the said township.

CAP.

CAP. VI.

An ACT to enable the Inhabitants of the Townships of Yarmouth and Argyle, to erect a Bridge over the Tusket River, near the Tusket Village.

Preamble.

WHEREAS *a bridge over the Tusket River, will greatly facilitate the communication between the townships of Yarmouth and Argyle, and the adjacent county:*

Authority to build a bridge over Tusket River.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That it may be lawful for the inhabitants of the said townships to erect and establish a bridge over the said Tusket River, from Salmon Trout Point, on the east side of the said river, to Titus Hallibus, on the west side.

Provided there be a draw-bridge.

II. *Provided always, and be it further enacted*, That the said inhabitants of Yarmouth and Argyle, shall construct, and keep in repair, in the most convenient situation in the said bridge, a draw-bridge of sufficient width to admit of the passing and repassing of vessels and boats, up and down the said river.

CAP. VII.

An ACT to encourage the building of a Bridge across the Harbour of Halifax.

Preamble

WHEREAS *the building of a bridge across the harbour of Halifax, would greatly facilitate the communication of the settlements in the eastern parts of the Province, with the town of Halifax: and whereas, Jonathan Tremain, Esquire, and others, have proposed to raise, by private subscription, a sufficient sum of money, for the purpose of building a bridge of boats, or other practical structure, across the said harbour and have prayed the aid of the Legislature of this Province, to enable them to carry into effect this intention:*

Governor impowered to grant letters patent to incorporate *Jonathan Tremain*, and others, by the name of The Halifax Bridge Company, for ninety-nine years

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by letters patent, under the great seal of this Province, to incorporate *Jonathan Tremain*, Esq. and all and every person and persons, who, in their own right, or as executors, administrators, or assigns, for the original proprietors, at any time or times hereafter, shall have, and be entitled to, any part, share or interest, in the said bridge, so long as they shall respectively have any such part, share or interest, therein, to be one body, politick and corporate, in deed and in name, by the name of The Halifax Bridge Company, and by that name to have a succession, to continue for the term of ninety-nine years, and to have a common seal, with power, from time to time, to chuse their president, vice-president, and other officers, in such manner, and under such qualifications, with regard to the electors, and elected, as shall be directed in such letters patent; the first president, vice-president, and other officers, being qualified in the like manner, as all subsequent president, vice-president and officers, shall, by the said letters patent, be directed to be qualified, and to continue in their respective offices for such space of time, as, by the said letters patent, shall be limited and directed.

Company impowered to make bye laws.

II. *And be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said letters patent of incorporation, to impower the said company to make bye laws, from time to time, as well for the management and direction of the building and repairing the said bridge, as for

the regulation and government of the said company, and for the government of the servants and others who may be employed by the said company.

And to raise a capital stock in shares of twenty five pounds each.

III. *And be it further enacted, by the authority aforesaid*, That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said letters patent, to empower the said company, by a voluntary subscription, to raise a sufficient sum of money, in shares of twenty-five pounds each: which sum, when so raised, shall be the capital stock of the said company: and to direct how the property of the persons subscribing and holding shares may be ascertained, transferred and alienated.

The Company to make calls, for payment of the subscriptions.

And to fix the times and proportions.

IV. *And be it further enacted, by the authority aforesaid*, That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said letters patent, to impower the said company, or such part thereof, as, in the said letters patent, shall be named for that purpose, to make calls, and direct the payment of any part of the said subscriptions, which any person or persons shall subscribe, towards carrying on the said undertaking, at such times, and in such proportions, and to such person or persons, as the said company, or such part thereof, as shall be for that purpose named, shall direct and appoint: And that all payments be pursuant to the directions of a general meeting of the said company, to be assembled for that purpose, or of a majority of those present at such meeting. And if any person or persons shall refuse, or neglect, to pay any money which shall be so called for by the said company, at the time when the same shall be appointed to be paid, it shall be lawful for the said company to sell and transfer such share or shares of the person or persons so refusing or neglecting, as shall be requisite for raising the sum which such person or persons ought to have paid; and the purchaser of any share or shares, so sold, shall be liable to advance and pay therefor, to the said company, as much money as will be sufficient to answer the call aforesaid, and to reimburse to the person or persons, whose share or shares shall be so sold, in proportion to the then value of such share or shares, whatever sum or sums the former proprietor or proprietors shall have advanced and paid thereon.

and to sell the shares of those who refuse or neglect to pay.

Company impowered to erect a bridge across Halifax harbour.

V. *And be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the said company, to erect, maintain and keep, a bridge across the harbour of Halifax, to commence from, or near to, the Black Rock, on the eastern side of said harbour, and to terminate on the opposite or western shore of said harbour, to the north of the Navy Hospital: And that the said company shall, and may, occupy, possess and enjoy, during the said term of ninety nine years, all the waters, and lands covered with water, from high water mark, on the eastern side, to high water mark, on the western side of said harbour, whereon, or over which, said company shall erect such bridge.

and to occupy the waters and lands, from high water mark on each side for 99 years.

A draw bridge to be constructed for the passage of vessels, &c.

VI. *Provided always, and be it further enacted, by the authority aforesaid*, That the said company shall be obliged to construct, and keep, in the most convenient situation, at least, one draw bridge, of sufficient width to admit of the passing and repassing of ships, vessels or boats, which draw-bridge shall, from time to time, as occasion may require, be raised up, or drawn, for the passage of any ship, vessel, raft or boat, passing up or down the said harbour, upon any lawful business.

Company impowered to establish a toll for 99 years.

VII. *And be it further enacted, by the authority aforesaid*, That for an encouragement to such persons as shall become subscribers to the said sum to be raised for building the said bridge, and to indemnify and recompence them for the great costs and charges of the said undertaking, it shall be lawful for the said company at any time or times during the said term of ninety nine years, to set, establish, demand and receive, a reasonable toll or tolls for all persons, horses, cattle, sheep, carts, waggons, trucks, coaches, chaises or carriages, of any kind, passing or repassing over the said bridge, which toll or tolls the said company may, from time to time, and at any time during the said term, alter and change: *Provided* such alteration and change be pursuant to the directions of a general meeting of the said company, to be assembled for that purpose, or

And from time to time to alter the toll.

of

of a majority of those who shall be present at such general meeting. *And provided also*, That a notification of the several toll or tolls, so set and established, altered and changed, be publicly posted, or fixed, upon some post or posts at each end of the said bridge for general inspection, and that such notification remain so publicly affixed, or put up, for at least seven days before any establishment, alteration or change of any toll or tolls, shall take place.

Seven days notice to be given, before any toll is established or altered.

VIII. *And be it further enacted, by the authority aforesaid*, That, in order to secure the due payment of the said tolls, it shall be lawful for the said company to erect toll bars, or toll gates, at both, or either, of the ends of the said bridge, and to appoint and impower one or more person or persons to demand and take at the toll bars, or toll gates, so to be erected, the respective toll or tolls to be established or set, altered or changed as aforesaid, before any persons, horses, cattle, sheep, carts, waggons, trucks, coaches, chaises, or carriages of any kind, shall be permitted to pass through such toll bars, or toll gates.

Company impowered to erect toll gates.

IX. *And be it further enacted, by the authority aforesaid*, That the property of the said bridge, and the landings and abutments of the same, shall be vested and remain in the said company during the said term of ninety-nine years, and that from and after the expiration or determination of the said term, all the right, title and claim, of the said company in and to the said bridge, and the landings and abutments thereof, shall cease and determine, and the same shall henceforth be, and for ever remain, the property of the public.

Property of the bridge, &c. vested in the company for 99 years. Then to become the property of the public.

X. *Provided always, and be it further enacted, by the authority aforesaid*, That, unless the said company shall erect a good and sufficient bridge for the passage of men, horses, carts, waggons, and carriages of all kinds, loaded or unloaded, within the term of ten years, to be computed from the end of this present sessions of the General Assembly, the several provisions of this Act, and the encouragement therein granted to the said company, shall cease, determine, and remain without effect.

Bridge to be erected within ten years, or the provisions of this Act to remain without effect.

CAP. VIII.

An ACT to regulate the Assize of Bread.

WHEREAS *the present rule for establishing the assize of bread, has been found not to be, in all cases, duly apportioned, to the respective prices of flour; and whereas it is of consequence that so necessary an article should be fairly, and strictly regulated, to the intent, that a plain and constant rule and method may be duly observed and kept, in the making and assizing of the several sorts of bread, which shall hereafter be made for sale, in any place, or places, where an assize of bread shall be thought proper to be set, in pursuance of this Act:*

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, it shall and may be lawful for the Court, or persons herein after authorised by this Act, to set the assize of bread; to set, ascertain and establish, in any place or places within their respective jurisdictions, the assize and weight of all sorts of bread which shall, in any such place or places, be made for sale, or exposed to sale, and the price to be paid for the same respectively, when and as often from time to time as such Court or persons as aforesaid shall think proper, having due respect to the price or prices which the grain, meal or flour, shall bear in, or near, the place or places for which such assize shall be set: and making, from time to time, reasonable allowance to the makers of bread for sale, where such assize shall be set, for their charges, labour and profit, according as such Court, or persons as aforesaid, shall from time to time think proper.

Assize and price of bread to be set.

II. *And be it further enacted, by the authority aforesaid*, That, from and after the publication hereof, where any assize of bread shall at any time be set, for any place or p ce by virtue of this Act, no person or persons, shall there make for sale, or sell, or expose to sale, any sort of bread, other

Where assize and price of bread is set, no other sort than what is allowed by the

Court to be sold on penalty of from 5s. to 20s.

other than wheaten bread, and such other sorts of bread, as in such place or places shall, by the Court, or persons authorized as aforesaid, be publicly allowed to be made, or sold; and the Court, or persons impowered to set an assize of bread by virtue of this Act, may, from time to time, as they shall see fit, order and allow, in any places within their respective jurisdictions, bread to be made with the flour, or meal of rye, barley, Indian corn, or other grain, or with the meal or flour of any such different sorts of grain, mixed together: And if any person shall offend in the premises, and shall be convicted of such offence, either by his, her, or their own confession, or by the oath of one or more credible witness or witnesses, before any Justice or Justices of the Peace, within the limits of his or their jurisdiction, every one so offending shall, on every such conviction, forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as such Justice or Justices shall think fit and order.

Assize of Bread to be set, according to the table given.

III. *And be it further enacted, by the authority aforesaid,* That, from and after the publication hereof, in every place and places, for which an assize of bread shall at any time be thought proper to be set by virtue of this Act, the assize and weight of all bread, made of good sound inspected wheaten fine flour, which shall be there made for sale, or sold, or exposed to sale, and the price to be paid for the same respectively, shall be set, and ascertained, according to the following table:

Explanation of Table.

(By the English stat. 31. Geo. 2d. C. 29, every sack of meal or flour, of the respective sorts, is to weigh, 2 cwt. 2 qrs. net, and from every such sack of meal or flour there ought to be produced, on the average, twenty peck loaves, well baked, each weighing seventeen pounds six ounces, avoirdupoise weight. By this rule is constructed the following table, which contains, in column No. 1, the price of the hundred weight of meal or flour, the allowance of the Justices to the Baker being included: And, in column No. 2, are the weights of the several loaves; so that for example, if the price of flour is certified to be twenty shillings per hundred weight, and the Justices allow four shillings to the Baker, for baking, find twenty four shillings in the column No. 1, and even therewith, under No. 2, will be found the weight of the several loaves; but if the price in the market is fifteen shillings, and the allowance three shillings, then the weight of the said loaves will be found even with eighteen shillings.)

No. 1. Price of the Cwt. Flour and Baking
10s.
11s.
12s.
13s.
14s.
15s.
16s.
17s.
18s.
19s.
20s.
21s.
22s.
23s.
24s.
25s.
26s.
27s.
28s.
29s.
30s.
31s.
32s.
33s.
34s.
35s.
36s.
37s.
38s.
39s.
40s.
41s.
42s.
43s.
44s.
45s.
46s.
47s.
48s.
49s.
50s.
51s.
52s.
53s.
54s.
55s.
56s.
57s.
58s.
59s.
60s.

IV. *And be it further*
as well to bread which
of other grain, as also
grains, than wheat, wh
place or places, in pur
set and ascertained, as

No. I.	No. II.										
Price of the Cwt. of Flour and Baking.	The Penny Half-Penny Loaf.		The Threepenny Loaf.			The Sixpenny Loaf.			The Shilling Loaf.		
	Oz.	Dr.	Lbs.	Oz.	Dr.	Lbs.	Oz.	Dr.	Lb.	Oz.	Dr.
10s.	27	12	3	7	9	6	15	3	13	14	6
11s.	25	4	3	2	8	6	5	1	12	10	2
12s.	23	2	2	14	5	5	12	10	11	9	5
13s.	21	6	2	10	12	5	5	8	10	11	1
14s.	19	13	2	7	11	4	15	6	9	14	13
15s.	18	8	2	5	1	4	10	2	9	4	4
16s.	17	6	2	2	12	4	5	8	8	11	0
17s.	16	5	2	0	11	4	1	6	8	2	13
18s.	15	7	1	14	14	3	13	12	7	11	8
19s.	14	10	1	13	4	3	10	8	7	5	0
20s.	13	14	1	11	12	3	7	9	6	15	3
21s.	13	3	1	10	7	3	14	15	6	9	14
22s.	12	10	1	9	4	3	2	8	6	5	1
23s.	12	1	1	8	2	3	0	5	6	0	11
24s.	11	9	1	7	2	2	14	5	5	12	10
25s.	11	1	1	6	3	2	12	7	5	8	15
26s.	10	11	1	5	6	2	10	12	5	5	8
27s.	10	4	1	4	9	2	9	2	5	2	5
28s.	9	14	1	3	13	2	7	11	4	15	6
29s.	9	9	1	3	2	2	6	5	4	12	11
30s.	9	4	1	2	8	2	5	1	4	10	2
31s.	8	15	1	1	14	2	3	13	4	7	11
32s.	8	11	1	1	6	2	2	12	4	5	8
33s.	8	6	1	0	13	2	1	11	4	3	11
34s.	8	2	0	0	5	2	0	11	4	1	6
35s.	7	15	0	15	14	1	15	12	3	15	8
36s.	7	11	0	15	7	1	14	14	3	13	12
37s.	7	8	0	15	0	1	14	0	3	12	1
38s.	7	5	0	14	10	1	13	4	3	10	8
39s.	7	2	0	14	4	1	12	8	3	9	0
40s.	6	15	0	13	14	1	11	12	3	7	9
41s.	6	12	0	13	8	1	11	1	3	6	3
42s.	6	9	0	13	3	1	10	7	3	4	15
43s.	6	7	0	12	14	1	9	13	3	3	11
44s.	6	5	0	12	10	1	9	4	3	2	8
45s.	6	2	0	12	5	1	8	11	3	1	6
46s.	6	0	0	12	1	1	8	2	3	0	5
47s.	5	14	0	11	13	1	7	10	2	15	5
48s.	5	12	0	11	9	1	7	2	2	14	5
49s.	5	10	0	11	5	1	6	11	2	13	6
50s.	5	8	0	11	1	1	6	3	2	12	7
51s.	5	7	0	10	14	1	5	12	2	11	9
52s.	5	5	0	10	11	1	5	6	2	10	12
53s.	5	3	0	10	7	1	4	15	2	9	15
54s.	5	2	0	10	4	1	4	9	2	9	2
55s.	5	0	0	10	1	1	4	3	2	8	6
56s.	4	15	0	9	14	1	3	13	2	7	11
57s.	4	14	0	9	12	1	3	8	2	7	0
58s.	4	12	0	9	9	1	3	2	2	6	5
59s.	4	11	0	9	6	1	2	13	2	5	11
60s.	4	10	0	9	4	1	2	8	2	5	1

IV. *And be it further enacted, by the authority aforesaid*, That the said table shall also extend, as well to bread which shall be made with the flour of wheat, mixed with the flour or meal of other grain, as also to bread which shall be made of the flour or meal of other grain or grains, than wheat, which shall be publicly licensed and allowed to be made into bread, in any place or places, in pursuance of this Act; and that the assize of all such mixed bread shall be set and ascertained, as near as may be, according to the said table.

The assize of mixed bread to be set as near as may be to the Table.

V.

Return of the general prices of flour and meal, to be made to the Justices, from which to ascertain the assize of bread.

V. *And be it further enacted, by the authority aforesaid*, That, from and after the publication hereof, the Justices of the Peace for the several counties, in their Quarter Sessions, or, if need be, at a Special Session to be called for the purpose, shall and may, from time to time, as there shall be occasion, cause the prices which the several sorts of meal or flour, fit and proper to make the different sorts of bread which shall be allowed to be made in any town or place within their respective jurisdictions shall, from time to time, *bona fide* sell for, at the mills, warehouses or markets, in or near such town or place, publickly and generally, and not at particular times, and on special contract only, to be given in, and certified to such Justices in such manner, and on such day in every week, as such Justices shall direct, by the Clerks of the Market, or by such person or persons as such Justices, in their said Sessions, shall from time to time appoint; and the prices so certified shall, from time to time, be entered by the respective person or persons, who shall certify the same, in some book or books, to be provided by such person or persons, and kept by him or them for that purpose; and within two days after every such price shall be so returned the assize and weight of bread for such town or place shall be set by such Justices for any time not exceeding one calendar month from every sitting thereof, and be made public in such town or place for which the same shall be so set, in such manner as the Justices, who shall set the same, shall order and direct. *Provided*, That after any assize of bread shall be set, in pursuance of this Act, no alteration shall be made therein, either to raise the same higher, or to sink the same lower, unless, and except, the price of the flour of wheat, or other grain, shall be returned, as having risen one shilling in the hundred weight, or having fallen one shilling in the hundred weight, since the last return made.

No alteration to be made in the assize, unless the price of flour or grain shall have risen or fallen 1s. in the cwt.

Bakers to have leave to inspect the book, the day after the return made, that they may have opportunity to object to the assize.

VI. *And be it further enacted, by the authority aforesaid*, That any maker of bread for sale, in any town or place where any assize of bread shall be set as aforesaid, shall have liberty, at all seasonable times, in the day time, the next day after every return of the price of flour or meal shall be made for such town or place, and entered in the proper book directed to be provided and kept for that purpose, as aforesaid, to see the entry which shall be made in such book, of the price of meal, or flour, without paying any thing for the same: to the intent that every such maker of bread for sale, may have an opportunity, on the said next day after such entry made as aforesaid, to offer to such Justices, in their Quarter Sessions, or Special Sessions aforesaid, before such assize shall be set or altered, such objections as any such maker of bread, for sale, can reasonably offer, against any advance or reduction being at any time made in the assize or weight of bread, in any such town or place.

Form of publication of the assize.

VII. *And be it also enacted*, That when any assize of bread shall be set at any time, in pursuance of this Act, the same shall be made public, in the form, or to the effect following, to wit:

The assize of bread, set the day of for to take place on the day of now next ensuing, and to be in force:

	Lb.	oz.	d.
The Penny halfpenny loaf, of fine wheaten flour is to weigh			
The Three penny loaf, of do. is to weigh			
The Six penny loaf, of do. is to weigh			
The Shilling loaf, of do. is to weigh			

The assize of mixed bread to be also published as Justices may direct.

And whenever any bread shall be ordered, or allowed, as aforesaid, to be made with the meal or flour of rye, Indian corn, or barley, either alone, or mixed, with the meal of flour, of any other grain or grains, the assize of such bread shall be made public, in such manner as the Justices, who shall set such assize, shall from time to time direct.

VIII. *And be it further enacted*, That whenever the Justices of the Peace, in their respective Sessions

as aforesaid, shall order and allow any bread to be made within their respective jurisdictions, of, or with the flour or meal of any other grain, or grains, than wheat; or to be mixed with the flour of wheat, or to be made with the flour, or meal, of any other sort or sorts of grain, either separate or mixed together; all persons who shall make any bread for sale, in any town or place where such orders shall be made, shall, from time to time, make bread with such mixed meal or flour in every such place or places, in such manner, and of such weight and goodness, as such Justices shall, from time to time, so order and direct, upon pain that every person who shall at any time offend in the premises, and shall be convicted of any such offence, in the manner herein after prescribed, shall forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as the Justice or Justices, before whom any such offender or offenders shall be convicted, shall think fit and order, every time he, she or they, shall so offend and be convicted.

Where Justices order mixed bread o be made, or bread other than wheaten, bread, bakers & others making it for sale, to conform to such order under penalty of, from 5s. to 20s.

IX. *And be it further enacted*, That, from and after the publication of this Act, no person shall knowingly put into any bread, which shall be made for sale, any mixture of meal or flour, of any other sort of grain, than of the grain the same shall import to be, and of which bread shall be allowed to be made, in pursuance of this Act, or shall put into bread, which shall be made for sale, any larger or other proportion of the meal or flour of any other or different sort or sorts of grain than what shall be allowed as aforesaid by virtue of this Act, or any mixture, or thing, as for, or in lieu of, flour, which shall not really be the genuine flour which the same shall import to be, and ought to be, upon pain that every person who shall offend in the premises, and shall be convicted of any such offence in manner herein after prescribed, shall forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as the Justice or Justices, before whom any such offender or offenders shall be convicted, shall think fit to order, every time he, she or they, shall so offend, and be convicted.

Baker not to mix any other sort or proportion of flour or meal than what shall be ordered, or any foreign mixture, on penalty of from 5s to 20s.

X. *And be it further enacted, by the authority aforesaid*, That the several sorts of bread which shall be sold, or made for sale, or exposed to sale, shall always be well made, and in their several and respective degrees, according to the goodness of the several sorts of meal, or flour, whereof the same ought to be made, and no preparation of damaged or musty flour, or ingredients or mixture whatsoever, (except the genuine meal or flour, which ought to be put therein, and common salt, pure water, eggs, milk, yeast and barm, or such leaven as shall be allowed to be put therein, by the Justices, which shall have set the assize) shall be put into, or in any wise used, in making dough, or any bread, to be sold, or as, or for, leaven, to ferment any dough, or on any other account, in the trade of making bread; on pain that every person, other than a servant, or journeyman, who shall knowingly offend in the premises, and be convicted thereof, by confession, or the oath of one witness, before any Justice of the Peace, shall forfeit, not more than three pounds, nor less than forty shillings, or shall be committed to the house of correction, or to the county jail, there to remain, and be kept to hard labour for any time not exceeding fourteen days, nor less than seven days, from the time of such commitment, as such Justice shall think fit; and if any servant, or journeyman, shall knowingly offend, and be convicted as aforesaid, he shall forfeit not more than forty shillings, nor less than twenty shillings, or shall be committed as aforesaid; and it shall be lawful, for the Justice, before whom any such offender shall be convicted, out of the money forfeited, when recovered, to cause the offender's name, and offence, to be published in some newspaper, which shall be printed in, or near, the town or place where any such offence shall have been committed.

Bread to be well made, without damaged or musty ingredients, under a penalty of not less than 40s. or more than 3l.

Penalty on servants or journeymen offending.

Offenders names to be published.

XI. *And be it also enacted*, That if any person or persons, who shall make any bread for sale, or who send out, sell, or expose to sale, any bread, shall at any time, from and after the publication hereof, make, send out, sell, or expose to sale, any bread which shall be deficient in weight, according to the assize which shall from time to time be set for any such bread, in pursuance

Penalty for every ounce of bread deficient in weight.

pursuance of this Act, he, she or they, so offending in the premises, and being convicted thereof in manner herein after prescribed, shall forfeit and pay a sum not exceeding five shillings, nor less than one shilling, for every ounce of bread which shall at any time be wanting or deficient in the weight, which every such loaf ought to be of; and for every loaf of bread, which shall be found to be wanting less than an ounce of the weight the same ought to be, of a sum not exceeding two shillings and six-pence, nor less than six-pence, as such Justice, or Justices, before whom any such bread, which shall not be of the due weight the same ought to be shall be brought, shall think fit to order, so as such bread, so deficient in weight, be brought before one or more Justice or Justices having jurisdiction in the premises, and be weighed before such Justice or Justices, within twenty-four hours after the same shall have been baked, sold, or exposed to sale, unless it shall be made out to the satisfaction of such Justice, or Justices, by, or on behalf of, the party or parties, against whom any such complaint or information shall been made, that such deficiency wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by, or through, some accident, contrivance or confederacy.

Deficient bread to be weighed within 24 hours after baking.

Bread to be marked with the initial letters of the baker's name, and the quality of the flour.

XII. *And be it further enacted*, That from and after the publication of this Act, every person who shall make, send out, sell, or expose to sale, any sort of bread, whatsoever, shall, from time to time, cause to be fairly imprinted, or marked, on every loaf of each respective sort of bread, in Roman characters, the initial letter or letters of the grain, or grains of the flour, or meal whereof such bread shall be made, and also the christian and sirname of the baker or manufacturer thereof; and that every person who shall make for sale, or shall sell, carry out, or expose to sale, any loaf of any sort of bread which shall be allowed to be made in pursuance of this Act, which shall not be marked pursuant to the directions of this Act, so as that it may, on view thereof, be ascertained from time to time, under what denomination or sort of bread every such loaf was made, and ought to be weighed, (except as to such loaves as shall be rasped after the bespeaking or purchasing thereof, by the particular desire of the person who shall order the same to be so rasped, for his, her or their, own use, or uses,) shall, for every time, he, she or they, shall offend in the premises, and be thereof convicted in manner herein after prescribed, forfeit and pay a sum not exceeding twenty shillings, nor less than five shillings, as any Justice, or Justices, before whom the offender shall be convicted, shall order for every loaf of bread, not marked as is hereby directed.

Bake-houses to be visited.

Seizure and application of bread deficient in weight.

Penalty for such as obstruct search of bake-houses.

XIII. *And be it further enacted*, That the Clerks of the Market, in the several towns in this Province, shall visit the houses, bake-houses or shops, and other places, of every baker or seller of bread, at least, one day in every week, and that it shall be lawful for the Clerks of the Market, or for any Justice of the Peace, or for any Constable thereto authorised by warrant of any Justice, to enter, in the day time, into any house, shop, bake-house, out-house, or other place belonging to any baker, or seller of bread, and to search, view, weigh and try, all, or any, bread which shall there be found; and if any bread shall, on any such search or trial, by any Justice, or by the Clerks of the Market, or on proof made before any Justice, by the oath of one credible witness, be found to be deficient in weight, or not truly marked, or deficient in the due baking or working thereof, or wanting in the goodness of the stuff; or made with any mixture of meal, or flour of any other grain, than the same shall import to be made with, or with any larger or other proportion of any other grain, than what ought to be put therein, or with any mixture or ingredient which by this Act ought not to be put therein; or with any thing in lieu of flour, which shall not be the genuine flour the same shall import to be; or made with any leaven not allowed by this Act, such Justice, Clerks of the Market, or Constable, may seize the same, and dispose thereof to poor persons, as such Justice or any other Justice respectively, shall think fit; and if any person or persons whatsoever,

whatsoever shall obstruct or oppose any such search or seizure of bread, he, she or they, shall forfeit and pay, not exceeding forty shillings, nor less than twenty shillings each, for every such offence.

The baker proving the fault in the bread to be occasioned by his journeyman or servant.

XIV. *Provided always, and be it further enacted*, That if any baker shall make it appear to any such Justice, that any offence for which he shall have paid the penalty, was occasioned by the wilful neglect or default of his journeyman or servant, the said Justice shall issue his warrant for bringing such offender before him, or some other Justice, who, on conviction, shall order what reasonable sum shall be paid by the said offender, by way of recompence; and if he do not immediately pay the same, the said Justice shall commit him to the house of correction, or other prison of the place, there to be kept to hard labour for any time not exceeding one calendar month, unless payment be sooner made.

Appointment of Inspectors of Flour and Meal.

XV. *And be it further enacted*, That the Grand Jurors for the several counties in this Province, at the Court of General Sessions of the Peace, which shall be holden for each county respectively, next after the publication of this Act, and thereafter annually, at the first sitting of the said Court in every year, shall, where requisite, nominate four fit persons in each and every township within their respective counties, of whom the said Court shall appoint two, for the purpose of inspecting the flour, or meal, of all wheat, rye, barley, indian corn, or other grain, to be bought or sold within the respective townships: which inspectors shall, within eight days after notice of their appointment, and before they enter upon the execution of their office, take the following oath, before some one Justice of the Peace for the county wherein they reside, viz.

Inspector's Oath.

"I A. B. do swear, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform, the office, and duty, of an Inspector of Flour, or Meal, according to the true intent and meaning of the Laws of this Province, relative to the same."

Flour for sale, &c. to be inspected and branded.

XVI. *And be it further enacted*, That all flour, or meal, as aforesaid, to be hereafter bought, or sold, within this Province, or shipped for exportation therefrom, shall be liable to be inspected, and branded, by an Inspector of the township in which it shall be proposed to be so bought, sold or exported; who shall, on request of either party, or his agent, attend to examine the same, and see that it is sound, wholesome and merchantable, and to brand the same accordingly with the initials of his name; and in any case in which any bread shall be proposed to be seized, under, and by virtue of, this Act, for any other cause than deficiency in weight, or not being truly marked, it shall and may be lawful for the person or persons interested therein, in case of any dispute between the person seizing, and the owner or possessor of such bread, to call in one of the said Inspectors to examine and ascertain the quality and proportion of the ingredients used therein: the person calling upon such Inspector to pay him one shilling for every time he shall so attend.

Bread seized, except for deficiency in weight, or not truly marked, the owner may desire the Inspector to examine quality of flour, and ingredients used.

Inspector's Fee.

Any one Justice may determine offences against this Act.

XVII. *And be it further enacted*, That it shall be lawful for any of His Majesty's Justices of the Peace, or any one of them, within their respective counties, to hear and determine, in a summary way, all offences against the true intent and meaning of this Act: and, for that purpose, to summon before them, or any of them within their respective jurisdictions, any party accused of having offended against the true intent and meaning of this Act; and if the party accused shall not appear on summons, or offer some reasonable excuse for his default, then upon oath of any credible witness, of any offence committed against this Act, any such Justice, or Justices, shall issue his or their warrant for apprehending the offender or offenders, and upon appearance of the party accused, or in case he or they shall not appear after notice given to, or left for, him or them, at his or their usual place of abode: or if he or they cannot be apprehended upon a warrant, granted as aforesaid, then, and in any such case, any such Justice, or Justices, is, and are, hereby authorised to examine any witness or witnesses on

oath, who shall be offered on either side, touching the matters complained, and after hearing such witnesses, and the party who shall appear, such Justice or Justices, shall thereupon convict, or acquit, the party accused; and if any money, or penalty forfeited for any such conviction, be not paid within Twenty-four hours after conviction, such Justice or Justices shall issue his or their warrant of distress, against the goods and chattels of such offender or offenders; and if, within five days after such distress taken, the money forfeited shall not be paid, the goods seized shall be appraised and sold, rendering the overplus, if any, after payment of the penalty, and the costs and charges of prosecution, distress and sale, to the owner; and for want of such distress, such offender or offenders shall be committed to the county jail, or house of correction, there to remain for the space of not more than twenty-one days, nor less than seven days; unless such penalty or forfeiture, costs and charges, shall be paid, before the expiration of such term, of his or their commitment; and all such penalties and forfeitures, when recovered, shall be paid, one half to the informer, and one half to the Justice, or Justices, who shall have convicted such offender, to be by such Justice, or Justices, paid to the Sessions, who shall dispose thereof, for the better carrying this Act into execution.

Mode of recovering penalties and forfeitures incurred under this Act.

Application of Penalties.

Persons aggrieved by conviction, may appeal to the next General Sessions of the Peace for the County.

XVIII. *Provided always, and be it further enacted*, That any person or persons, convicted of any offence against this Act, who shall think him, her, or themselves, agrieved by such conviction, shall have liberty, from time to time, to appeal to the next General or Quarter Sessions of the Peace, for the county or place where such conviction shall have been had; and upon due security given by recognizance, the execution of such judgment of conviction shall be suspended; and the Justices in their said sessions, are hereby required and empowered, finally, to hear and determine such appeal, and to award such costs, as to them shall appear just and reasonable, to be paid by either party; and if such conviction shall be affirmed, such appellant shall forthwith pay the sum, which he, she, or they, shall have been adjudged to have forfeited, with costs, to be awarded as aforesaid; and in default thereof, shall be committed to the county jail, there to remain for three months, unless such forfeiture and costs shall be sooner paid; and if the appellant, or appellants, shall make good their appeal, and be discharged of such conviction, reasonable costs shall be awarded, against the informer, to be recovered, as costs given at any Session of the Peace, are recoverable.

Prosecutions instituted against persons acting under the authority of this Act. Treble costs given.

XIX. *And be it further enacted*, That if any action or suit shall be commenced against any Justice, or Justices, Clerk of the Market, Constable or other person, for any thing done or committed by virtue, or in pursuance, of this Act, it shall be commenced within three months next after the fact committed, and not afterwards; and the defendant or defendants, in any such actions, may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance, and by the authority, of this Act: and if it shall appear so to have been done, or if a verdict be given for the defendant or defendants, or if plaintiff be non-suited, or discontinue after appearance of the defendant or defendants, or if judgment be given against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs of suit. *Provided always*, That no person shall be convicted in manner aforesaid, for any of the before-mentioned offences, unless the prosecution, in order to such conviction, be commenced within three days next after the offence committed.

Offences to be prosecuted within three days.

Act of 22d Geo. 2d & subsequent Acts, relating thereto, suspended.

XX. *And be it further enacted*, That an Act, made in the thirty-second year of the reign of His late Majesty, entitled, An Act relating to the assize of bread, and for ascertaining the standard of weights and measures; and the several laws made in addition to, and in amendment of, the same, and every clause, matter and thing, in the said several laws contained respecting the assize of bread, shall be, and the same are hereby, suspended, and of no effect, for and during the continuance of this Act.

XXI.

XXI. *And be it further enacted*, That this Act shall continue, and be in force, until the first day of July, in the year of our Lord one thousand seven hundred and ninety-seven, and no longer.

Act to continue to 1st July, 1797. Continued by subsequent Acts.

CAP. IX.

An ACT to enable the Inhabitants of the several Towns in this Province, to raise Monies for the Sinking of Wells, supplying the same with Pumps, and for keeping them in repair.

WHEREAS *the wells and pumps, made and erected in the public streets and lanes of the several towns in this Province, are generally in great want of repair, and there being no law to compel the inhabitants of the said towns to bear their equal proportions of putting and keeping the said pumps and wells in repair; for remedy whereof*:

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, it shall and may be lawful for the inhabitants of the said towns, at their town meetings, to vote such sum or sums of money as they shall think necessary for sinking wells, and for repairing, and keeping in repair, such pumps as are now erected, and furnishing with pumps, and keeping in repair, such wells as are now made, or hereafter may be made, in the streets, and lanes, of the said towns, by the authority of this Act; which said sum and sums of money, to be raised for the purposes aforesaid, shall be assessed and collected in the same manner, and at the same time, as monies are raised and collected for the support and maintenance of the of the poor, and by the same assessors and collectors, under the same penalties and forfeiture for neglect or refusal: and the said monies shall be paid into the hands of the Firewards of the respective towns, who shall apply the same for the purposes aforesaid, and, at the expiration of their year of office, shall render to the Justices aforesaid, at their General Session then next ensuing, an account of the expenditure of the sums so by them received, and shall pay over to their respective successors, within ten days after they shall have been appointed, the balance, if any, which shall remain in their hands. *Provided*, That if any person shall think himself over-rated, he may appeal for redress to the next General Sessions of the Peace of the county or district; and the Justices thereof are hereby required, and empowered, to examine, hear and determine, all and every such appeal or complaint, and to give redress as they, in their judgment, shall think equitable; and such their order and judgment shall be final.

How to raise monies for the sinking of Wells explained.

Monies to be lodged in the hands of the Firewards, who are to account therefor at the end of the year.

Appeal allowed to such as may think themselves over-rated.

II. *And be it further enacted*, That in case the inhabitants of any of the said towns shall neglect, or refuse, to vote such sum or sums of money, as may be necessary as aforesaid, it shall and may be lawful for the Justices of the Peace for the county wherein such towns may be, in their General Quarter Sessions of the Peace, on complaint of any three of the inhabitants of the said towns, to amerce such towns in such sum as shall appear to them to be necessary for the purposes aforesaid: which amercement shall be assessed, collected and paid, in the same manner as monies voted by the inhabitants of the towns as herein before directed to be assessed, collected and paid.

Inhabitants neglecting to vote monies, the Sessions, on complaint being made, may amerce the town, in such sum as may be necessary.

III. *And be it further enacted*, That, from and after the publication hereof, whoever shall be found guilty of wilfully injuring, or destroying, any pump or well, made and erected in any of the public streets or lanes of the said towns, shall, on conviction thereof, before any two of His Majesty's Justices of the Peace, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings: the one half thereof to be given to the prosecutor, and the other half to be paid to the said Firewards of the town wherein such offence shall be committed, for the purpose of repairing said pumps and wells within such town: and in case the party so convicted

Penalty for such as injure or destroy Pumps.

victed shall be unable to pay the fine imposed, it shall and may be lawful for such Justices to commit the offender to the house of correction, there to be put to hard labour for a space not exceeding ten days, nor less than five days.

Act to continue to 1st July, 1797. Continued by subsequent Acts.

IV. *And be it further enacted*, That this Act shall continue, and be in force, until the first day of July, in the year of our Lord one thousand seven hundred and ninety-seven, and no longer.

CAP. X.

An ACT in addition to, and in amendment of, an Act, passed in the thirty-fifth year of the Reign of His present Majesty, entitled, An Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province.

Preamble.

WHEREAS *the mode of prosecution prescribed by the Act, of which this is an amendment, against persons enrolled in the Militia, who shall be guilty of disobedience of orders, when ordered for, or employed in, erecting works, is found tedious, and, in some instances, ineffectual:*

Persons neglecting to obey his superior officer, when ordered for, or employed in erecting works to forfeit 10s. for every offence.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, if any person, enrolled in the Militia, shall refuse, or neglect, to obey the lawful commands of his superior officers, when ordered for, or employed in, erecting works, such person, so offending, shall forfeit and pay, for each and every offence, a sum not exceeding ten shillings, to be recovered on the oath of one credible witness, before any Justice of the Peace for the county, wherein such offence shall be committed.

Militia to be called out four times a year, and no more.

II. *And be it further enacted, by the authority aforesaid*, That, from and after the publication hereof, the Militia shall be called out, and assembled, four times in each and every year, and no more; any law, usage, or custom, to the contrary notwithstanding.

Act continued to the 1st July, '97. Continued by subsequent Acts.

III. *And be it further enacted, by the authority aforesaid*, That this Act, and the Act whereof this is in addition, and amendment, shall be, and the same are hereby continued in force, until the first day of July, in the year of our Lord, one thousand seven hundred and ninety seven, and no longer.

CAP. XI.

An ACT to enable the Justices of the Peace, and Grand Jury, in the District of Pictou, to assess the inhabitants of that District, for the repairs of the Roads within the same.

Expired.

CAP. XII.

An ACT to encourage the killing of Wolves, Bears, Loup Cerviers, and Wild Cats.

Preamble.

WHEREAS *great damage hath been done to the farmers in this Province, by wolves, bears, loup cerviers, and wild cats; for remedy whereof:*

Sessions upon recommendation of

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, the Court of General Sessions of the Peace in the several counties in this Province,

Province, upon recommendation of their respective Grand Juries, shall and may establish rules and orders for encouraging the killing of wolves, bears, loup cerviers and wild cats, and may grant such rewards for the same as they shall think proper.

Grand Jury, to establish orders for encouraging the killing of wolves, &c. by granting rewards

II. *And be it further enacted*, That the Justices aforesaid, with the Grand Jury, shall have full power and authority to grant and assess upon each township or district within their respective counties, such sum or sums as shall be necessary to pay the rewards which shall be, from time to time, due by virtue of the rules and orders aforesaid, as shall by them be established by virtue of this Act: the same to be assessed, and collected, in the same manner that county taxes are assessed, and collected, by the Laws of this Province.

Town to be assessed for payment of such rewards.

III. *Provided always, and be it enacted*, That this Act shall continue, and be in force, until the first day of July, in the year of our Lord, one thousand seven hundred and ninety seven, and no longer.

Act to continue to 1st July, 1797. Continued by subsequent Acts.

CAP. XIII.

Expired.

An ACT to continue in force the several Acts therein mentioned.

CAP. XIV.

An ACT in addition to, and in amendment of, an Act, made in the thirty-third year of His present Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on Wine, Rum, and other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying off the interest, and reducing the principal, of the Public Debt of this Province, and of the several Acts made in addition to, or in amendment thereof.

Preamble.

WHEREAS *it is necessary that wines supplied, as an allowance from His Majesty, to the officers and men of His navy, should be exempt from the payment of the duties imposed by the several Laws of the Province on all wines imported into this Province:*

Wines supplied to the officers & men the Navy, exempt from duty.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, all wines which shall be supplied to the officers and men on board His Majesty's ships of war, as an allowance from His Majesty, shall be exempt from the duties imposed by the several Acts of this Province, upon the same terms and conditions as rum, and other distilled spirituous liquors, are exempted in and by the Act, or Acts, whereof this is in addition, and amendment, any law to the contrary thereof notwithstanding.

Act to continue to 1st July, 1797. Continued by subsequent Acts.

II. *And be it further enacted*, That this Act, and every matter and thing therein contained, shall be and continue, and the same is hereby continued in force to the first day of July, one thousand seven hundred and ninety seven, and no longer.

CAP. XV.

Expired.

An ACT to prohibit the exportation of Wheat, Rye, Barley, Indian Corn, Flour, Rye and Indian Corn Meal.

CAP.

CAP. XVI.

Revived by 40th Geo. 3d Cap. 19th and further continued by the 40th Geo. 3d.

An ACT in addition to an Act, made in the fifth year of his present Majesty's Reign, entitled, An Act for the raising money by presentment on the several Counties in this Province, for the defraying certain county charges therein mentioned.

Preamble.

WHEREAS *it had been found necessary, in the County of Halifax, for many years past, to make an annual provision for the maintenance of a Jail Keeper, and for providing fuel for poor prisoners confined in the county goal; and whereas it hath, of late, been questioned whether the Grand Jury have power, by law, to include, in their presentment, such sums as may, from time to time, be found requisite for such purposes:*

Grand Juries to include in their presentment, expences for the support of a jailor, &c.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, it shall and may be lawful for the Grand Juries, in each of the several counties in this Province, in the presentments which, by the aforesaid Act, they are authorised to make at the Court of Assize, or General Sessions of the Peace, to include all such expences as shall be found to have been necessarily incurred, and also such sum and sums of money as it may be necessary to raise towards the maintenance and support of a jailor for the respective counties, and for providing fuel, and other necessaries, for poor prisoners, who may be at any time confined in the several county goals. *Provided always*, That this Act, and every matter and thing therein contained, shall continue, and be in full force and virtue, until the first day of July, one thousand seven hundred and ninety seven, or to the end of the next Session of General Assembly, and no longer.

Act to continue to 1st July, 1797. Expired.

CAP. XVII.

An ACT for making, repairing, laying out and altering, Roads, Highways, Bridges and Streets, within the County of Annapolis, and for the more effectual apportionment of the work and labour of the inhabitants within the said County, to be performed in and about the same.

Expired.

CAP. XVIII.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand seven hundred and ninety six, and for appropriating such part of the supplies, granted in this session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Executed.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the 20th day of March, 1793, and thence continued by several prorogations to the 6th day of June, 1797; in the 37th 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 Fifth Session of the Seventh GENERAL ASSEMBLY, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; Henry Newton, President of Council; Thomas Barclay, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An ACT for appointing Commissioners to determine upon a proper situation, in the town of Halifax, and to purchase Lots of Ground, if necessary, to erect a Public Building, for the accommodation of the General Assembly, Court of Chancery, Supreme Court, and Court of Admiralty, and Public Offices, and for procuring plans and estimates for a building hereafter to be erected for the residence of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being.

For Acts in amendment, or addition to this Act, see 39th George 3d Cap. 9, and 40th Geo. 3d. Cap. 4.

Preamble.

WHEREAS, *from the present state of the Province, it is become necessary, that, as soon as mechanics and labour can be procured on reasonable terms, a public building should be erected, wherein the General Assembly of the Province may convene, and where the Court of Chancery, Supreme Court, and Court of Admiralty, may be provided with a hall, and suitable apartments, for the administration of justice, and public offices:*

Commissioners to determine scite, and to purchase grounds for erecting public buildings, of stone or brick.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the Honorable *Charles Morris*, the Honorable *Thomas Cochran*, and the Honorable *Sampson Salter Blowers*, of His Majesty's Council: *Jonathan Sterns*, *Michael Wallace*, and *Lawrence Hartshorne*, Esquires, of the House of Assembly, and *Richard John Uniacke*, Esquire, His Majesty's Solicitor General, be appointed Commissioners for the purpose of determining upon proper scites, purchasing lots of ground where it may be deemed necessary, and for erecting thereon a range of public buildings, of stone or brick, wherein the General Assembly may hold its Sessions, and the Court of Chancery, Supreme Court and Court of Admiralty, their respective fittings, and the public offices may be held; which said Commissioners, or the major part of them, are hereby authorised, to make purchase of the lots of ground herein before mentioned, and to proceed to the purchase of materials, for the aforesaid range of public buildings, when they can be reasonably

For sittings of the General Assembly, and Courts of Justice.

Buildings not to exceed certain dimenſions.

reaſonably procured, after a Peace takes place: when the price of labour ſhall be reduced to a reaſonable ſtandard to employ mechanicks, workmen and labourers, to erect and complete the ſaid range of buildings, which ſaid range of public buildings, ſhall not exceed the following dimenſions, That is to ſay, in front and rear, one hundred and twenty-nine feet; in depth, ſifty feet; and, in height, forty-one feet.

A plan, and eſtimate, of building for the reſidence of the Governor to be procured.

II. *And be it further enacted, by the authority aforeſaid,* That the ſaid Commiſſioners, or the major part of them, ſhall procure proper plans, and ſections, of a Houſe to be erected for the reſidence of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with particular eſtimates of the probable coſt and expences of the materials, and workmanſhip, neceſſary to complete the ſaid building: which plans, ſections and eſtimates, ſhall be laid before the General Aſſembly, at their next Seſſion; and to report to the General Aſſembly, in their next Seſſion, the ſcite the ſaid Commiſſioners may think moſt eligible for a Government Houſe.

Contracts made by Commiſſioners, to be approved by the Governor.

III. *And be it further enacted, by the authority aforeſaid,* That all contracts entered into by the aforeſaid Commiſſioners, with any perſon or perſons for the purchaſe of lots of ground, materials and workmanſhip, ſhall, previous to their being executed, be laid before the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for his approbation.

Money allowed for the building.

IV. *And be it further enacted, by the authority aforeſaid,* That a ſum, not exceeding three thouſand pounds, ſhall and may be drawn from the Treaſury of the Province, for the purpoſe of purchaſing the materials and lots of ground aforeſaid, and for paying the workmen to be employed, in erecting and completing a range of buildings for the General Aſſembly, Courts of Juſtice, and Public Offices abovementioned; and the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, is hereby empowered to draw warrants on the Treaſury, at the requiſition of the ſaid Commiſſioners, or the major part of them, for the aforeſaid ſum, or any part thereof, at ſuch times, and in ſuch proportions, as they may deem neceſſary.

AND WHEREAS there may not be a public ground ſufficient, in the ſituation the ſaid Commiſſioners may judge moſt convenient for the erection of ſuch building, and that the ſaid Commiſſioners cannot procure other lots of ground, from the proprietors, at a fair and reaſonable price:

Governor impowered to appoint a Special Court to aſcertain the value of any Lots purchaſed.

V. *Be it further enacted, by the authority aforeſaid,* That in caſe the herein named Commiſſioners ſhall think it neceſſary, to make a purchaſe of any lot or lots of ground, for the purpoſes aforeſaid, it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, on application of the ſaid Commiſſioners, or the major part of them, to commiſſion and appoint a Special Court, for the purpoſe of aſcertaining the value of ſuch lot or lots of ground; which Court ſhall be compoſed of, at leaſt, one of His Majeſty's Juſtices of the Supreme Court, and ſuch other Juſtices of the Court of Common Pleas, for the town of Halifax, as, by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, may be deemed neceſſary.

Officers comprising ſaid Court.

How ſaid Court are to proceed.

VI. *And be it further enacted, by the authority aforeſaid,* That ſuch Court, ſo appointed as aforeſaid, ſhall forthwith iſſue a *venire facias*, directed to the Sheriff of the County of Halifax, to ſummon twenty-four good and lawful men of his bailwick, freeholders of land, ſituate within the town of Halifax, to be and appear before the ſaid Juſtices, at ſuch place, and on ſuch day and hour, as by the ſaid Juſtices ſhall be directed: twelve of whom ſhall be ſworn by the ſaid Court, to appraiſe and value ſuch lot or lots of ground, at a fair and reaſonable price, according to the beſt of their knowledge; and the twelve jurors ſo ſworn, ſhall proceed to view, and value, the lot or lots of ground, ſo required by the aforeſaid Commiſſioners for the ſaid building, and ſhall deliver in a verdict to the ſaid Court, under the hands and ſeals

seals of, at least, nine of the said jurors, wherein the value of such lot or lots of ground shall be expressed, in which said verdict the jurors aforesaid, shall give a particular description of the metes and bounds of such lot or lots, specifying each lot, distinct and separate from the others, according to the number of proprietors, and such verdict, so delivered into the said Court, shall be duly entered, and become a record of the said Court.

Commissioners to pay the value to proprietors & the Lands appertaining to absent persons or minors; the value to be lodged in Treasury 'till applied for.

VII. *And be it further enacted, by the authority aforesaid*, That the value of such lot or lots of ground in money, so ascertained by the said verdict, shall be paid by the said Commissioners, to the proprietor or proprietors thereof; and in case the said lot, or lots, shall appertain to absent persons or minors, or the proprietor or proprietors thereof shall abscond, so as that the sum of money awarded cannot be paid, or tendered, to them, or shall neglect, or refuse, to receive the same when tendered, the said money shall be lodged in the Treasury for their use, there to remain until some person, duly authorised by law, shall apply for the same, and the said lands shall thereupon be vested in His Majesty, His heirs and successors, for ever.

Neglect of the Sheriff to summon a jury.

Non-attendance of jurors, after summoned.

VIII. *And be it further enacted, by the authority aforesaid*, That if the Sheriff shall refuse, or neglect, to summons a jury as aforesaid, he shall forfeit, and pay, the sum of twenty pounds, for each, and every offence, and in case any of the jurors, duly summoned, shall not attend, or shall refuse to be sworn, such juror shall forfeit, and pay, for such neglect, or refusal, the sum of five pounds, to be levied by warrant, from the said Court, of distress and sale of the offender's goods and chattles.

Former Act made in 1788, repealed, except such parts as have been carried into effect.

IX. *And be it further enacted, by the authority aforesaid*, That an Act, made in the twenty eighth year of the reign of His present Majesty, entitled, An Act for enabling Commissioners to make sale of the Public Buildings, therein named, for public uses, and to erect on the lower parade, in the town of Halifax, a commodious building, and also to provide, or build, a common jail; and every matter and thing, in the said Act contained, (saving, and except such parts of the said Act, as have been already carried into effect) shall be, and the same are hereby, repealed, and no longer in force or effect.

CAP. II.

An ACT to enable the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint Trustees, for the Common of the Town of Dartmouth, on the death, or removal, of the Trustees holding the same, and to vacate that part of the grant of the Common aforesaid, which vests the trust in the heirs, executors or administrators, of the Trustees, named in the said grant, on the death of such Trustees.

See 20th Geo. 3d. cap. 6.

Preamble.

WHEREAS *by letters patent under the great seal of this Province, bearing date the 4th day of September, in the year of our Lord one thousand seven hundred and eighty-eight; His Majesty was pleased to grant to* Thomas Cochran, Timothy Folger, *and* Samuel Starbuck, *their heirs, executors, and administrators, the common of the township of Dartmouth; situate on the eastern side of the harbour of Halifax, in special trust, for the use of the inhabitants settled and resident in the town plat, or that might thereafter settle, and actually reside, within the township of Dartmouth, during such residence only; as a common, for the general benefit of such resident settlers, and not otherwise.* And whereas *the said* Timothy Folger *and* Samuel Starbuck, *have removed from this Province, by reason whereof the good intent of the said grant, is in a great measure defeated;* and whereas *many, and great inconveniences*

may arise from the trust aforesaid, on the death of either, or the whole, of the said trustees, devolving to their heirs, executors, or administrators; for remedy whereof:

Governor to appoint Trustees for the Common at Dartmouth.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint fit and proper persons, trustees for the common of the town of Dartmouth, which trustees, so nominated and appointed, shall hold the said common on the same terms and conditions, as the trustees, named in the aforesaid grant, are authorised to hold the same, by virtue of the said grant.

And on the death of any Trustee, to appoint another to exercise the trust.

II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, from time to time, and at all times hereafter, on the death, or removal out of this Province of any of the aforesaid trustees, to nominate and appoint another person, to exercise the said trust.

Former trust vacated.

III. *And be it further enacted*, That so much of the said grant as relates to the appointing the before named *Timothy Folger*, and *Samuel Starbuck*, trustees, as aforesaid, and such part thereof, as, on the death of either of the trustees, therein named, devolves the trust on the heirs, executors or administrators, of the trustee so deceased; and every matter and thing, in the said grant contained, relating to the same, shall be, and the same is hereby, vacated, and no longer in force or effect.

Power of Trustees appointed under this Act.

IV. *And be it further enacted*, That the trustees to be named, in and under this Act, shall exercise, and use, every right, power and privilege, heretofore given to the trustees, named in the aforesaid grant, and referred to in an Act, passed in the twenty-ninth year of His Majesty's reign, entitled, An Act to enable the inhabitants of the town plot of Dartmouth, to use, and occupy, the common field, granted by His Excellency the Lieutenant-Governor, in such way as may be most beneficial to them.

CAP. III.

An ACT in amendment of an Act, passed in the Twenty-ninth year of the reign of His present Majesty, entitled, An Act for the better regulation of Elections.

Repealed in 1817.

Preamble.

WHEREAS *conveyances have heretofore been made, for the purpose of qualifying persons to vote in counties and towns within this Province, for members to represent them in General Assembly:*

What constitutes the right of voting at an election, and of an individual to be elected.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That each person hereafter to be chosen a member of Assembly, and each elector, at the time of giving his vote, in any election hereafter to be held in this Province, shall actually have an income of forty shillings per annum, in freehold estate, or shall have, within the county or town for which he shall vote, or be elected, in his own right in fee simple, a dwelling-house, with the ground on which the same stands; or one hundred acres of land, whereof five acres, at least, shall be under cultivation: such person, or persons, possessing any one of the before mentioned interests, shall be entitled to vote, or be elected, for the county, or town, wherein the same shall be situate. *Provided always*, That no person shall be entitled to vote in any election, to be hereafter held in this Province, or shall be eligible to serve as a member of Assembly, who shall not have had the grant or conveyance, under which he holds as aforesaid, registered six months before the test of the writ for holding the election. *Provided also*, That nothing in this Act contained, shall be construed to extend to any person, or persons, holding, by descent or devise, of the yearly value aforesaid.

CAP.

CAP. IV.

An ACT to explain and amend an Act, passed in the seventh year of His present Majesty's Reign, entitled, An Act for partition of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common, and, thereby, for the more effectual collecting His Majesty's Quit Rents, in the Colony of Nova-Scotia.

For Acts on this subject, see note on 7 and 8, Geo. 3d Cap. 2.

WHEREAS *doubts have arisen, whether the said Act doth extend to, and enable, persons, who are Coparceners, Joint Tenants, and Tenants in Common, other than the proprietors of Townships, to make partition of lands to them belonging.* Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Act, and all Acts heretofore made, in amendment thereof, shall be construed to extend to all persons, who do, or shall, hold lands in coparcenary, joint tenancy, and tenancy in common. The Acts for making partition of Lands, to extend to all persons holding as Joint Tenants, Copartners, or Tenants in Common.

CAP. V.

An ACT in amendment of an Act, passed in the twenty-ninth year of His present Majesty's Reign, entitled, An Act for altering the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney.

WHEREAS *the times, specified in the afore recited Act, for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, within the County of Sydney, have been found inconvenient to the inhabitants of the said District; for remedy whereof:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, shall, after the present year, be held at Guysborough, in the said County, on the first Tuesday of March, and first Tuesday of October, annually. Any law, usage or custom, to the contrary notwithstanding. General Sessions and Inferior Court, for County of Sydney, to be held at Guysborough; at times stated.

CAP. VI.

An ACT in amendment of an Act, passed in the Thirty-fifth year of His Majesty's Reign, entitled, An Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province.

WHEREAS *the drafting of militia men, employed as mechanicks or labourers in His Majesty's Ordnance Stores, and Naval or Carcening-Yard, and in the department of the Royal Engineers, is frequently injurious to His Majesty's service, for remedy whereof:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, whenever a proportion of the militia of the town of Halifax, shall be called into service, it shall and may be lawful for the Colonel, or officer commanding the Regiment of militia to which mechanics or labourers belong, who are employed in His Majesty's Ordnance Stores, or in the Navy or Carcening Yard, or in the Royal Engineer Department, to apportion the number of drafts such mechanics and labourers, in each of the said departments, respectively ought to furnish, and to procure good — Substitutes to be procured for men employed in the navy-yard, and ordnance and engineer departments.

Expence to be assessed on men so employed, in proportion to their pay.

good and sufficient substitutes in the place or stead of such mechanics or labourers, on the most reasonable terms; the amount of which cost and expence, for procuring such substitutes, shall be duly assessed by the Colonel, Lieutenant-Colonel, or officer commanding the regiment, with the assistance of two captains of the said regiment, on each mechanic and labourer so employed in each of the aforesaid departments respectively, in proportion to the daily pay of each and every of the said mechanics and labourers.

Amount of assessment to be paid to the commanding officer.

On refusal to pay after notice, Justice to issue Warrant of Distress and Sale to levy the same,

In default thereof to commit offender to Gaol.

II. *And be it further enacted, by the authority aforesaid*, That each and every such mechanick or labourer so assessed, as aforesaid, shall, on due notice thereof, pay the amount of such rate or assessment, to the officer commanding the regiment, or to any person by him duly authorised to receive the same. And if any such mechanick, or labourer, refuse or neglect to pay, such rate or assessment, it shall and may be lawful for any of His Majesty's Justices of the Peace, for the town of Halifax, on complaint of the officer commanding the regiment, and on due proof of such mechanick or labourer having been notified of the amount of his rate or assessment, and of his neglect or refusal to pay the same, to issue his Warrant to any of the constables of the town of Halifax, directing them to levy, by distress and sale of the goods and chattels of such mechanick or labourer, the sum so proved to be by him due and owing, as his proportion, rate, or assessment aforesaid, with costs of suit; and for want of goods and chattels, to commit such mechanick or labourer to jail; there to remain, until the amount, so specified in the warrant be duly paid. *Provided always*, That nothing, in this Act contained, shall extend, or be construed to extend, to prevent the said mechanicks or labourers, in each of the aforesaid departments respectively, from procuring substitutes agreeable to law, or performing the aforesaid Militia duty in person; on due notice given them of such duty, and on their declaring such their intention at the time of notification, and carrying the same into effect.

Proviso that such persons may find their own substitutes, or serve in person.

Act to continue to 1st July, 1798. Continued by subsequent Acts.

III. *And be it further enacted, by the authority aforesaid*, That this Act shall be, and continue, in force to the first day of July, in the year of our Lord one thousand seven hundred and ninety eight, and no longer.

CAP. VII.

Expired.

An ACT to continue in force the several Acts therein mentioned.

CAP. VIII.

An ACT to amend, and continue for one year, an Act, passed in the thirty-third year of His present Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the interest, and reducing the principal, of the Public Debt of this Province.

Preamble.

WHEREAS *it is necessary, for defraying the expence of public buildings, and other expenditures, that the Act, whereof this is in amendment, be further continued.* And whereas *doubts have arisen, whether articles forfeit to His Majesty, on account of illegal importation, or otherwise, are subject, on the sale of such articles, to the duties by law imposed thereon, the same as if they had been legally imported, for remedy whereof:*

I.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That all articles, subject to duties by the Laws of this Province, which shall hereafter become forfeit to His Majesty, on account of illegal importation, or for any other causes whatsoever; shall be liable to all the duties the same are, or may be, liable to, by the laws of the Province, in case they had been legally imported; which duties shall be paid by the purchasers of the same.

Articles forfeited to His Majesty for illegal importation, &c. subject to the usual provincial duties, as when legally imported.

II. *And be it further enacted, by the authority aforesaid*, That this Act, and the Act whereof this is in amendment, and every matter and thing therein contained, shall be, and continue, and the same is hereby continued in force, to the first day of July, which will be in the year of our Lord, one thousand seven hundred and ninety-eight, and no longer.

Continued by subsequent Acts.

CAP. IX.

An ACT to revive and continue an Act, passed in the Thirty-third year of the reign of His present Majesty, entitled, An Act in amendment of, and in addition to, an Act, made in thirty-third year of the reign of His late Majesty, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; and in addition to, and amendment of, an Act, passed in the twenty-eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the harbour of Shelburne.

WHEREAS *the before recited Act, passed in the thirty-third year of the reign of His present Majesty, expired on the first day of July, one thousand seven hundred and ninety six, and it is expedient that the same should be revived and continued*:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Act, and every matter and clause therein contained, shall be, and is hereby, revived and continued to the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-eight, and no longer.

Act for maintaining Light Houses at Shelburne and Sambro Island, revived and continued to 1st July, 1798.

CAP. X.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand seven hundred and ninety-seven, and for appropriating such part of the supplies, granted in this session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

This Act executed.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and thence continued by several prorogations to the Eighth day of June, 1798; in the Thirty-eighth 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 Sixth Session of the Seventh GENERAL ASSEMBLY, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Justice, and President of Council; Thomas Barclay, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An ACT respecting Aliens coming into this Province, or residing therein.

Preamble.

WHEREAS *it is, at present, necessary, for the safety and tranquility of this Province, to prevent, under certain limitations and restrictions, persons, not being natural born subjects of His Majesty, or denizens, nor persons duly naturalised, from resorting to, and residing within, this Province*:

No alien to reside in the Province without a special permit.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, no alien, now residing within this Province, or who shall, hereafter, during the continuance of this Act, come to reside therein, shall be permitted to be, and remain, within this Province, without a special permit, under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being; or such person, or persons, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may appoint to grant the same.

How an alien may obtain a permit

II. *And be it further enacted*, That any such alien, as aforesaid, desirous to attain such permit, shall make his application to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in writing; stating therein his name, age, place of nativity, rank, and occupation, with the time, and manner, of his arrival in this Province, and the place of his residence: and such alien shall, also, make due proof, that during the time of his residence within this Province, he has demeaned himself in conformity to the laws thereof; and, thereupon, the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, if the proof shall be satisfactory to him, may, and shall, grant a permit to such alien, as aforesaid, to be, and remain, within such town, and place, within this Province, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall think fit and proper. *Provided nevertheless*, That such alien, previous to his receiving the permit as aforesaid, shall enter into a bond, with sufficient surety, in such sum as the Governor, Lieutenant Governor, or Commander in Chief for the time being, may think necessary: conditioned for the good behaviour of such alien, and for his not violating his permit.

III.

III. *And be it further enacted*, That if any alien, as aforesaid, shall not obtain a permit, as above directed, or shall violate his permit by travelling, residing, or being in any place, contrary to the tenor thereof, or shall, by any seditious writing, or speaking, or in any other way, intermeddle with, or disturb, His Majesty's government within this Province, such alien shall, on conviction thereof, be sentenced to imprisonment during the continuance of this Act, or pay such fine as shall be imposed on him, by the Court before whom he shall be convicted, as aforesaid; and be transported beyond His Majesty's dominions in America, to such place as the Governor, Lieutenant-Governor, or Commander in Chief, may think proper to direct.

Punishment of alien violating his permit; or not obtaining one.

IV. *And be it further enacted*, That in all cases, against an alien, for any of the causes aforesaid, whose residence within this Province commenced since the first day of May, in the year of our Lord one thousand seven hundred and ninety three; the proof of his having a permit, as aforesaid, or having conformed thereto, shall be on such alien.

Proof of his having permit to be on the alien.

V. *And be it further enacted*, That it shall not be lawful for any person or persons, within this Province, to harbor, entertain or conceal, any alien, knowing him to be such, or having such just reason to suspect the same; without giving notice thereof, in writing, to some Judge of the Supreme Court, Court of Common Pleas, or one of His Majesty's Justices of the Peace, within twenty-four hours after such alien shall have been so harbored, or entertained, as aforesaid; on pain of forfeiting, for each and every offence, the sum of one hundred pounds, to be recovered, and applied, as is herein after directed.

Punishment of persons harbouring aliens, without giving notice in writing, to Judge Supreme Court.

VI. *And be it further enacted*, That every master or commander of any ship or vessel, which shall come into any port or harbour, within this Province, shall, immediately on his arrival, make report in writing, to the Collector, or other chief officer of the Customs; and, in places where there may be no such officer, to one of His Majesty's Justices of the Peace, of all passengers on board his vessel, or which may have arrived in her; specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong, and owe allegiance, their occupation, and a description of their persons, as far as he shall have been able to obtain information thereof; and, on neglect thereof, every such master or commander shall forfeit, and pay, for each and every offence, twenty pounds; for the payment whereof, such vessel shall be holden, and may, by such Collector, or other officer of the Customs, or Justice of the Peace, be detained; and the said Collector, or other officer of the Customs, or Justice of the Peace, shall transmit, by the first conveyance, to the Secretary of the Province, true copies of all such reports, as aforesaid; and shall also report the same to the person within his district, if any such shall be appointed, who are authorised, as aforesaid, to grant permits.

Masters of vessels to make report to the Collector of customs, &c. of all their passengers immediately on their arrival.

VII. *And be it further enacted*, That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, whenever he may deem it necessary for His Majesty's service in general, or the safety of this Province in particular, to remove, without this Province, any alien who may or shall be imprisoned under this Act: any thing herein contained to the contrary notwithstanding; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, to send, or remove, out of this Province, all such aliens as he shall judge dangerous to the peace or safety of this Province, or shall have reasonable cause to suspect are concerned in any treasonable practices, or secret machinations, against the Government of this Province, or any other within His Majesty's Dominions: notwithstanding such alien may have obtained a permit agreeably to the provisions of this Act.

Removal of aliens when necessary.

VIII. *And be it further enacted*, That if any alien who shall be sent, or removed, without this Province, as aforesaid, shall return thereto, or be found therein, during the continuance of this Act, every such alien, on conviction thereof, shall be deemed guilty of felony, without benefit of clergy.

Punishment of any alien who shall return, after being removed.

IX.

Justices to apprehend such as are suspected of being aliens, and commit them to jail; if requisite.

IX. *And be it further enacted*, That each and every Justice of the Peace, in the respective counties within this Province, are hereby authorised and required to summon, and, in case of non-appearance, to apprehend all and every person or persons suspected of being aliens as aforesaid: and if it shall appear to the said Justice, on due examination, that the person or persons so suspected, are aliens, and have not complied with the provisions of this Act, it shall and may be lawful for the said Justice to commit the said alien to the county goal, there to remain until he shall be discharged by due course of law.

Supreme Court appointed to take cognizance under this Act.

X. *And be it further enacted*, That the Supreme Court, and Courts of Common Pleas, in their respective counties, shall respectively have cognizance of all crimes and offences against this Act, saving, and except, the crime of returning to this Province, after having been sent, or removed, therefrom, the cognizance whereof shall wholly, and only, appertain to the Supreme Court; and all penalties and forfeitures, recovered under this Act, shall be applied, the one half to the informer, and the remainder for the use of His Majesty's Government within this Province.

Act continued to the 1st July, '97. Continued by subsequent Acts.

XI. *And be it further enacted*, That this Act shall continue in force for one year, and from thence until the end of the next Session of General Assembly.

CAP II.

An ACT for regulating the exportation of Red, or Smoaked, Herrings, and in amendment of an Act, passed in the second year of His present Majesty's Reign, entitled, An Act for regulating the exportation of Fish, and the assize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing officers to survey the same.

Red or smoaked Herrings for exportation, to be put up in kegs or boxes, &c.

BE *it enacted by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, red or smoaked herrings for exportation, shall not be put in any other package but kegs, or boxes, of the dimensions and kind herein after described; and that the said red or smoaked herrings shall be sweet, well saved and smoaked, and all that are in the said package shall, as near as may, be of the same size, close packed, and so stowed, as completely to fill the package.

Appointment of inspectors of smoaked Herrings.

II. *And be it further enacted*, That the Grand Juries of the several counties in this Province, at the Court of General Sessions of the Peace for each county, shall annually, at the time of nominating other town officers, nominate out of every township in the said county, where the smoaking and preserving herrings is carried on, two or more fit persons; out of whom the said Court shall appoint one, or more, to be Inspector or Inspectors of red or smoaked herrings, for each respective township; which said person or persons, so appointed, shall be sworn to the faithful discharge of his or their duty, in manner as is prescribed by the laws of this Province, in the nomination and appointment of other town-officers; and in

Their refusal to serve.

case of his or their refusal to serve, or neglect, or misbehaviour in the execution of his or their office, he or they shall be punished in like manner, as is provided in the like case for other town officers, in and by an Act, passed in the fifth year of His present Majesty's Reign, entitled, "An Act for the choice of town officers, and regulating of townships"; and in

Upon a vacancy happening, the same to be filled up by two Justices.

case of a vacancy or vacancies, in the said office of Inspector of red or smoaked herrings, between the times of the sitting of the said Courts of General Sessions of the Peace, for the county

county where ſuch vacancy ſhall happen; the ſame may and ſhall be filled up by two Juſtices of the Peace of the ſaid county, in like manner as other vacancies in the town offices are filled up by virtue of the ſaid Act.

Seizure of red or ſmoaked herrings ſhipped for exportation, before inſpection.

III. *And be it further enacted*, That if any red or ſmoaked herrings ſhall be ſhipped for exportation, before the ſame ſhall have been inſpected, approved, and marked by the Inſpector of red or ſmoaked herrings; or if any red or ſmoaked herrings ſhall be ſold, and delivered, in kegs or boxes, before the ſame ſhall have been inſpected, approved, and marked in like manner, ſuch red or ſmoaked herrings, ſhall, on information, and due proof thereof, before any one of His Majeſty's Juſtices of the Peace, be ſeized, and ſold by Warrant under the hand and ſeal of ſaid Juſtice, and the nett proceeds ariſing from the ſale, ſhall be paid to the Overſeers of the Poor, for the uſe of the poor of the townſhip, where ſuch ſeizure ſhall be made.

Penalty for maſter of veſſel, receiving on board uninſpected red or ſmoaked herrings.

IV. *And be it further enacted*, That if any maſter or commander of any ſhip or veſſel, ſhall receive any red, or ſmoaked, herrings, to be carried, or exported, without the townſhip wherein ſuch herrings ſhall have been ſmoaked, or preſerved, on board his ſhip, or veſſel, at any port, or place, within this Province, before the ſame ſhall have been marked, as herein after directed, by an Inſpector of red, or ſmoaked, herrings; the ſaid maſter or commander ſhall forfeit, and pay, the value of ſuch herrings, not marked as aforeſaid, according to the price of merchantable herring, and in caſe the value of the ſaid herring ſhall exceed the ſum of fifty pounds, ſuch maſter or commander ſhall forfeit, and pay, the ſum of fifty pounds, and no more; to be recovered by bill, plaint or information, before any of His Majeſty's Courts of Record within this Province, or before any one of His Majeſty's Juſtices of the Peace, in caſe the ſum ſued for ſhall not exceed three pounds; one half to the uſe of His Majeſty, and the other for the benefit of the perſon who ſhall ſue for the ſame.

Inſpector to mark every keg or box with a brand of his name, &c.

V. *And be it further enacted*, That the Inſpector of red, or ſmoaked, herrings, ſhall mark each, and every ſuch keg, or box, of red, or ſmoaked herrings, as he ſhall have inſpected, and approved, with a brand, containing the initial letters of his chriſtian and ſir name, and name of the town, at full length, for which he is Inſpector; and if any perſon, or perſons, ſhall counterfeit, or be concerned in counterfeiting, the ſaid brand, or mark, of the ſaid Inſpector, or ſhall, without the licence of the ſaid Inſpector, make uſe of his ſaid brand, in marking any keg, or box; or ſhall, by ſhifting, put other fiſh into a keg, or box, previouſly marked by the ſaid Inſpector, in order to evade the intent, and meaning, of this Act; ſuch perſon, or perſons, ſo offending, ſhall be proſecuted as, and for, a common cheat, and be puniſhed as ſuch by fine, or impriſonment, at the diſcretion of the Court before whom he, or they, ſhall be convicted, as aforeſaid.

Inſpector to mark no keg or box of leſs ſize than is named in the Act.

VI. *And be it further enacted*, That the ſaid Inſpector or Inſpectors of red, or ſmoaked, herrings, ſhall not mark any keg, but ſuch as ſhall be, at leaſt, ten inches diameter at each head, meaſuring within the chime, and fourteen inches in length, from the inſide of one head to the inſide of the other; nor any box, but ſuch as ſhall meaſure, on the inſide, eighteen inches in length, twelve inches in breadth, and ſix inches in depth; nor either keg or box, unleſs the ſame ſhall be ſufficiently ſeaſoned, ſtrong, and well made, cloſe packed with good red, or ſmoaked, herrings of one ſize, and previouſly marked with the initial letters of the name of the owner, or packer, and with the ſize of the herrings, which, if of the largeſt ſize of merchantable herrings, ſhall be marked number one; if of the ſecond ſize, number two, and if of the ſmalleſt ſize, number three.

Inſpector's Fee.

VII. *And be it further enacted*, That the Inſpector, who ſhall inſpect, and mark, any keg, or box, of red, or ſmoaked, herrings, ſhall receive, from the owner thereof, two pence, for each and every keg, or box, ſo inſpected or marked; the ſaid Inſpector to open, and ſufficiently reclooſe, the ſame; and, when it ſhall be found neceſſary, to cull and repack, he ſhall receive, in

like manner, for culling and repacking each keg, or box, the sum of three pence; making in the whole, for inspecting, opening, culling, repacking, recloſing and marking, one keg, or box, the sum of five pence, and four pence per mile for his travel.

Herrings rejected by the Inſpector, to be publickly deſtroyed.

VIII. *And be it further enacted*, That all red, or ſmoaked, herrings, which ſhall be culled out, and rejected, by the Inſpector, as not merchantable, ſhall be publicly deſtroyed by the ſaid Inſpector.

After the publication of this Act, pickled fiſh may be exported in half, quarter and eighths of barrels.

IX. *And be it further enacted*, That, from and after the publication of this Act, it ſhall and may be lawful to export pickled fiſh, in half-quarter and eighths of barrels, provided the ſame ſhall have been guaged, and ſurveyed, according to law; and provided the ſaid barrel contain ſixteen gallons, the quarter-barrel eight gallons, and the eighths of barrels, four gallons each.

In counties where Town Officers have been already named, two Juſtices to nominate Inſpectors.

X. *And be it further enacted*, That in ſuch counties where the nomination of town-officers has already taken place for the preſent year, it ſhall and may be lawful, for any two of His Majeſty's Juſtices of the Peace, to nominate, and appoint, Inſpectors, as aforeſaid, for and during the remainder of the year, or until the Inſpectors ſhall be appointed as herein before is directed, any thing herein contained to the contrary notwithſtanding.

Act in force to 1ſt July, 1799. Continued by ſubſequent Acts.

XI. *And be it further enacted*, That this Act ſhall continue in force to the firſt day of July, which will be in the year of our Lord one thouſand ſeven hundred and ninety-nine, and until the end of the next ſeſſion of General Aſſembly, and no longer.

CAP. III.

An ACT to enable the Officers of His Majeſty's Navy, to obtain a Drawback of the Duties on Wines by them taken out of this Province, and conſumed without the limits thereof.

Preamble.

WHEREAS, *by the proviſions of the exiſting Revenue Laws of this Province, the officers of His Majeſty's Navy cannot obtain a drawback of the duties on wines, by them exported out of the ſame, unleſs they produce certificates of the landing of ſuch wines in ſome other country, although ſuch wines may have been* bona fide *exported out of the Province, and actually conſumed on board the ſhips of war, or elſewhere, without the limits of the ſaid Province; for remedy whereof*:

Governor empowered to grant a licenſe for the purchaſe of wines for the uſe of the officers of the navy, ſufficient for a period not leſs than 3 months, and for allowing the drawback.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the publication of this Act, it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the application of the captain, or officer commanding any of His Majeſty's ſhips of war, to grant a licence to purchaſe, for the uſe of the officers of ſuch ſhips, ſo many gallons of wine, as ſhall be recommended by the Commiſſioners of the Revenue as a reaſonable allowance for the uſe of the officers of ſuch ſhip, about to leave this Province. *Provided* that the ſaid allowance, ſo to be recommended by the Commiſſioners of the Revenue, ſhall not be for a period leſs than three months, mentioning in ſuch licence the name or names of the perſon or perſons from whom ſuch wine may be purchaſed, and ſuch perſon or perſons ſhall be entitled to a drawback of ſuch proportion of the duties which may have been paid or ſecured thereon, as is herein after mentioned; *provided* ſuch wine ſhall be ſhipped under the inſpection of the officers of the revenue, and *bona fide* carried out of the Province, and the perſon or perſons ſelling the ſame ſhall make all the proofs, and perform all the requiſites, which the Laws of this Province require to be made and performed at the time of exporting any article for a drawback of the duties; *and provided* that the officers, for whoſe uſe ſuch wine may be purchaſed, ſhall certify, under their hands, that ſuch wine was actually on board one of His Majeſty's ſhips then ready for ſea, and that no part thereof ſhall, with their knowledge, conſent

consent or privity, be relanded in this Province: then, and in such case, it shall and may be lawful for the said Commissioners of the Revenue, to grant the person or persons who may be licensed to sell the said wine, as aforesaid, a certificate to entitle him or them to a drawback of the duties paid or secured on the wine shipped and certified as aforesaid; in like manner, and in the same proportion, as is allowed on wine, rum, and other spirituous liquors exported out of this Province.

II. *And be it further enacted*, That this Act shall be, and continue, in force, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety nine, and no longer.

Act to continue to 1st July, 1799. Continued by subsequent Acts.

CAP. IV.

An ACT to amend, and render more effectual, an Act, passed in the Eighteenth year of His present Majesty's Reign, entitled, An Act to prevent the forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax.

WHEREAS *many and great impositions are daily practised, by persons monopolizing Cord Wood, brought for sale to the town of Halifax, to the great injury of the Poor thereof; for remedy whereof:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, it shall and may be lawful for the Justices, and Grand Jury, at the Quarter Sessions, to make regulations for the conduct of persons who purchase Wood to be sold again; to regulate the times for buying of Wood, to sell again, and also the admeasurement, delivery, and every other matter and thing relative thereto, which they shall think proper and necessary; and every person or persons refusing, or neglecting, to obey, and conform to such regulations, or any part thereof, shall forfeit, and pay, a sum not exceeding the value of the wood, which shall be purchased, sold, admeasured or delivered, contrary to such regulations; the same to be recovered in the manner prescribed by the before recited Act; one half of the said penalty, to go to the informer, and the other half to the Overseers of the Poor of the town of Halifax, for the use of the poor thereof; and it shall and may be lawful for the said Justices, and Grand Jury, to alter, and change said regulations, as often as they shall find it expedient, or necessary.

Justices and Grand Jury, in sessions, to make regulations for the government of persons who purchase wood to sell again. Persons transgressing regulations.

II. *And be it further enacted*, That this Act shall continue, and remain, in force, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety nine, and to the end of the next Session of General Assembly, and no longer.

Act continued to the 1st July, '99. Continued by subsequent Acts.

CAP. V.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP.

CAP. VI.

This Act executed.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand seven hundred and ninety eight, and for appropriating such part of the supplies, granted in this session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and thence continued by several prorogations to the Seventh day of June, 1799, in the Thirty-ninth 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 Seventh, and last, Session of the Seventh GENERAL ASSEMBLY, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Justice, and President of Council; Richard John Uniacke, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An ACT for repairing, or rebuilding, the Market-House, erecting a Country Market-House, and regulating the several Markets in the Town of Halifax, and also to revive, alter, and amend, and bring into one Act, the Act for preventing frauds by Butchers, and Fishmongers, and the Act made in the Thirty-fourth year of His late Majesty's Reign, for regulating, and establishing, a Public Market in the Town of Halifax.

Preamble.

WHEREAS *the present Market House in the town of Halifax, is in a ruinous state, and requires to be repaired or rebuilt;* and whereas *it would greatly tend to the benefit both of the town and country if a separate Market House was erected in Halifax, for the sole use of persons bringing from the country meat, poultry, butter and other victuals, and in which they might expose such articles for sale:*

Appointing commissioners for repairing Market House in the town of Halifax,

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint three fit persons to be Commissioners, who are hereby appointed Commissioners, during the pleasure of the said Governor, Lieutenant-Governor, or Commander

Commander in Chief, for the time being, for repairing, or rebuilding, the market-house in the town of Halifax, erecting therein a suitable building for the use of the farmers, and country people, who bring their produce for sale, and also for providing a proper building near the public slip, for the accommodation of persons bringing vegetables, and other victuals, by water, and the said Commissioners, or any two, or more of them, are hereby invested with all the powers, and authorities, given or granted by this Act.

and for erecting a country-market house, &c.

II. *And be it further enacted*, That it shall and may be lawful for the said Commissioners, or any two, or more of them, to appoint one or more persons as keepers of the said markets, and as receivers of the rents of the stalls therein, allowing to such person or persons so by them appointed, such salaries, or other rewards for their trouble, as to the said Commissioners, or any two, or more of them, shall seem just and reasonable, and the said Commissioners, or any two, or more of them, shall, and they are hereby impowered, at their pleasure, to remove such keepers or receivers, or other person and persons, so by them, from time to time, appointed, and to place others in their stead, and to call such persons to account for all monies received and disbursed; and the said Commissioners, or any two of them, shall render an account of the receipt and expenditure of all monies, as well respecting the building, repairing, and erecting the said markets, as of the rents and profits of the stalls, and the salaries or allowances of the officers, to the General Assembly, once every year.

Appointing of keepers to said market-houses, & receivers of rent.

Receipts and expenditures of said market-houses to be laid before the Assembly once a year.

III. *And be it further enacted*, That the stalls in the said town-market, on the first Monday of October, in each and every year, after reasonable notice given, shall be set up at public auction by the said Commissioners, and let to the highest and fairest bidder, for one year, and one quarter's rent of said stalls shall be always paid in advance; and if any person so hiring any such stall, shall refuse or neglect to pay such rent, one week after such quarter's advance ought to be paid, as aforesaid, it shall be lawful for the keeper of such market, to exclude such defaulter from said stall, and to sue for any arrears of rent before any one Justice of the Peace, and the said Commissioners may let such stall at public auction for the residue of such year, to any person or persons who will hire the same on the terms and conditions aforesaid. And it shall be lawful for the said Commissioners, so soon as the stalls of said market-house shall be ready to be let, immediately to advertise, and let the same at auction, from such time, until the first Monday of October next ensuing.

Mode of renting stalls, &c.

IV. *And be it further enacted*, That all and every person, who shall exercise or follow the trade of a butcher, victualler, or journeyman butcher, within the town and peninsula of Halifax, shall strictly conform to all such orders, and rules, as the Justices, at any Quarter or Special Sessions of the Peace shall make, for the regulating the town-market, the slaughtering of cattle, and the sale of meat, within the said town and peninsula of Halifax.

Butchers to conform to the rules of the Justices in Session.

V. *And be it further enacted*, That after the said town market house shall be rebuilded, or repaired, as aforesaid, and that the Commissioners shall have given public notice that the said market house is ready for the reception of the butchers, it shall not be lawful for any butcher, victualler, or journeyman butcher, to sell, or expose for sale, any meat, or poultry, alive or dead, in any vessel, shop, stall or place, within the town and suburbs of Halifax (other than in said market house) during the market hours herein after mentioned, on pain of forfeiting five pounds for every such offence: and such market hours shall commence at sun-rise, and continue till sun-set on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, and for two hours after sun-set on Saturdays, and on Sundays from sun-rising until nine of the clock in the forenoon.

Butchers to dispose of their meat in said market-houses under a penalty of 5l.

VI. *Provided always, and be it further enacted*, That it shall be lawful for any country people, by themselves, their servants or agent, to sell, and expose for sale, their meat, or poultry, alive or dead, at any time, and in any place within the said town and suburbs, as well within the the market hours as without; but if any person, under pretence of being a countryman, or the servant

Country people, or their agents, selling meat, &c. not included in the above.

ſervant or agent of the countryman, or farmer, ſhall preſume to ſell, or expoſe to ſale, any meat, otherwiſe than as before directed, it ſhall be lawful for any two Juſtices of the Peace to give notice to ſuch perſon to deſiſt from ſo ſelling; and if ſuch perſon ſhall afterwards continue the ſame practice, he ſhall forfeit and pay for every offence a fine not exceeding ten ſhillings.

Renting of ſtalls in the country market.

VII. *And be it further enacted*, That the ſtalls to be erected in the country market ſhall be let to farmers, and country people, only, at one ſhilling *per* day, for each ſtall: which rent ſhall commence from the time when the perſon, ſo renting it, ſhall receive the key thereof, and determine when the key is returned to the keeper; and no one perſon, or company of perſons, ſhall be permitted to hold or retain any ſtall for a longer time than ſeven days upon any one hiring.

Scales & weights for ſaid market; how to be provided.

VIII. *And be it further enacted*, That the ſaid Commiſſioners ſhall and may provide one or more ſets of ſcales, weights and meaſures, for the general uſe of the ſaid country market, to be taken care of by the keeper: and if the ſaid ſcales, weights or meaſures, ſhall be injured or loſt while in the care or uſe of any of the perſons hiring the ſtalls, ſuch perſon or perſons ſhall be accountable therefor, and ſhall pay the value thereof to the keeper, who, if neceſſary, may, in his own name, and before any Juſtice of the Peace for the County of Halifax, ſue for, and recover, the value of the ſcales, weights or meaſures, ſo loſt or damaged; and perſons renting ſtalls in the ſaid country market ſhall be obliged to conform to ſuch regulations as the Juſtices of the Peace, for the county of Halifax, ſhall, from time to time, make at any Quarter or Special Seſſions of the Peace, for the good order and governing of the ſaid country market, on pain of forfeiting the ſum of ten ſhillings for every breach of any ſuch regulations.

Regulations of ſaid market.

Said commiſſioners authorized to pay the balance due, to the truſtees of the fiſh market.

Juſtices in ſeſſions to eſtabliſh the rates of the ſtalls, or ſtandings in the ſaid market.

IX. *And be it further enacted*, That the ſaid Commiſſioners ſhall and may ſettle with the Truſtees of the fiſh market in the town of Halifax, and pay to them whatever balance may be due; and that the ſaid Commiſſioners ſhall and may thenceforth receive, and take, the rents and profits as well of the fiſh market as of the ſlip market for people bringing produce by water; and the Juſtices of the Peace ſhall, from time to time in their Seſſions, eſtabliſh the rates of the ſtalls, or ſtanding, in the ſaid markets reſpectively, and make regulations for the ſaid markets: and any perſon who ſhall commit a breach of any ſuch regulations, ſhall forfeit and pay the ſum of ten ſhillings.

Seizure of meat, blown or ſtuffed, or meat, fiſh, and fowl, tainted.

X. *And be it further enacted*, That the keeper, or keepers, of the ſaid markets ſhall ſeverally attend the different markets during market hours; and ſuch keeper, or keepers, and alſo the Clerks of the Market, ſhall have authority to ſeize and take all meat, blown or ſtuffed, or in any ways fraudulently or deceitfully ſet off, and all meat, fiſh, and wild fowl, tainted, or offered for ſale contrary to the regulations to be made as aforeſaid, and ſhall expoſe the ſame to the view of any two Juſtices of the Peace, and if the ſaid Juſtices ſhall find ſuch meat or fiſh to be tainted, or fraudulently ſet off, or improperly expoſed to ſale, contrary to the true intent of this Act, or of ſuch regulations to be made as aforeſaid, they ſhall adjudge the ſame to be forfeit, and ſhall cauſe the ſame to be diſtributed to ſuch poor perſons in the town, as they ſhall direct, and if the ſaid tainted meat or fiſh, ſhall be wholly unfit for food, the ſaid Juſtices may cauſe ſuch meat or fiſh to be burnt or deſtroyed, and adjudge the perſon offering the ſame for ſale, to be fined, and pay the ſum of ten ſhillings, for the uſe of the poor of the town. *Provided always*, That nothing in this Act contained, ſhall hinder any perſon contracting to ſupply His Majeſty's ſhips, or the forces in the garriſon of Halifax, with freſh proviſions; from importing, killing, and dreſſing, the meat, neceſſary for their contracts, at ſuch time, and in ſuch places as they ſhall think proper, without expoſing any part of ſuch meat for public ſale, otherwiſe than in the manner herein before directed.

Such ſeizure to be diſtributed to the poor, and the offender to forfeit 10s.

Contractors of the navy and army, allowed to kill and dreſs their meat where they think fit.

Butchers conſpiring to fix the

XI. *And be it further enacted*, That if any butchers ſhall conſpire, or combine together for the purpoſe of fixing the prices of cattle of any deſcription, or of butcher's meat, or not to ſell their

their meat, but at certain prices, every person so offending, shall forfeit and pay for every such offence, a fine not exceeding fifty pounds. price of cattle, subject to penalty.

XII. *And be it further enacted*, That the keeper, or keepers, of said markets, and also the Clerks of the Market, shall be sworn, at the time of their taking upon them such offices, faithfully to assist in carrying into execution this Act, and all regulations which may be made by the Justices in their Sessions by virtue hereof. Keepers & clerk of the market, to be sworn to the faithful discharge of their duty.

XIII. *And be it further enacted*, That all penalties and forfeitures imposed by this Act, and whereof the recovery and distribution are not herein otherwise provided for, shall be sued for and recovered with costs, before any two Justices of the Peace for the County of Halifax: and one half of such penalties and forfeitures shall be paid to the prosecutor, and the residue to the said Commissioners, to increase the fund of the said markets. Recovery and application of all penalties imposed by this Act.

XIV. *And be it further enacted*, That the rents of the said market houses, when received by the said Commissioners, shall form one general fund, to be by them applied to pay the salaries of the said keepers and receivers, and to repair the said buildings, and also for such other purposes as may appear to the said Commissioners necessary to carry this Act into effect: and all such receipts and expenditures shall be accounted for in the manner directed in the second section of this Act. Application of monies arising from the rents of said market-houses.

XV. *And be it further enacted*, That, from and after the publication hereof, this Act, and the several provisions, clauses and directions, herein contained, shall be wholly substituted, and carried into execution, instead of the provisions contained in an Act, made in the thirty-second year of His late Majesty's reign, entitled, An Act for preventing frauds by butchers and fishmongers; and also instead of the provisions contained in an Act, made in the thirty-fourth year of the same reign, entitled, An Act for establishing a public market at the market-house in Halifax, and for regulating the same, any thing in the said Acts, or either of them, to the contrary thereof notwithstanding. This Act substituted in the place of the Acts 32d and 35th George 2d for the government of markets.

CAP. II.

An ACT for the sale of Glebe Land in the Township of Granville, and for purchasing another Estate, as a perpetual Glebe, for the resident Minister of the established Church, in said Township. This Act executed.

CAP. III.

An ACT in amendment of an Act, passed in the first year of his present Majesty's Reign, entitled, An Act to prevent the spreading of contagious Distempers, and also in amendment of an Act, passed in the sixteenth year of the said Reign, entitled, An Act in addition to the before recited Act.

WHEREAS *the neighbouring States of America, have, for several years past, been visited by the yellow or putrid fever, or some other infectious distemper, which has raged to a most alarming degree, and proved fatal to great numbers of their inhabitants, whereby it hath become highly necessary, that the Legislature of this Province should make some provision, for obliging persons coming from infected places to perform Quarantine, in such manner as may be ordered by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and for punishing offenders in a more expeditious manner, than can be done by the ordinary course of Law:* Preamble.

I.

Ships, persons, goods, &c. coming from places whence infectious diseases may be brought, to perform quarantine.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same*, That all ships and vessels arriving, and all persons, goods and merchandize whatsoever, coming, or imported into any port or place, within this Province, from any port or place of the United States of America, or of the West-India Islands, or from any other place, whence the Governor, Lieutenant-Governor, or the Commander in Chief for the time being, by and with the advice of His Majesty's Council, shall judge it probable that any infectious disease may be brought, shall be obliged to make their quarantine in such place and places, for such time, and in such manner, as shall be, from time to time, directed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by his order or orders, made in Council, and notified by proclamation, or published in the Royal Gazette, and that until such ships, vessels, persons, goods and merchandize, shall have respectively performed, and be discharged from such quarantine, no such person, goods or merchandise, or any of them, shall come, or be brought, on shore, or go, or be put, on board any other vessel or ship, in any place within this Province, unless in such manner, and in such cases, and by such licence, as shall be directed or permitted by such order or orders made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in Council as aforesaid; and that all such ships and vessels, and the persons, or goods, coming, or imported in, or going, or being put, on board the same, and all ships, vessels, boats and persons, receiving any goods, or persons, out of the same, shall be subject to such orders, rules and directions, concerning quarantine, and the prevention of infection, as shall be made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in Council, and notified by Proclamation, or published in the Royal Gazettte as aforesaid.

No persons, goods, &c. permitted to come on shore from vessels performing quarantine, unless by licence or order from the Governor.

Vessels, persons, goods, &c. subject to such orders, touching quarantine, as may be made by the Governor in Council.

And, to the end, that it may be better known whether any ship or vessel shall be actually infected with the yellow fever, or any other malignant or contagious disease, or whether such ship or vessel, or the mariners, or cargo, coming, and imported, in the same, are liable to any orders touching quarantine:

Governor to appoint one or more health officers to see quarantine performed.

II. *Be it also enacted, by the authority aforesaid*, That when any country or places is, or shall be infected with any malignant or contagious distemper, or when any order shall be made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, concerning quarantine, and the prevention of infection as aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint one or more health officers, or persons to see quarantine performed, in such ports or places in this Province, as he shall think proper, and as often as any ship or vessel shall attempt to enter into any port or place in this Province, the health officer, or such other person as shall be authorised to see quarantine performed as aforesaid, or the person so by him appointed for that purpose, shall, at a convenient distance from such ship or vessel, demand of the master or person having charge of such ship or vessel, the following particulars, of which the master or person having charge of such ship or vessel, shall give a true account: That is to say, the name of such ship or vessel, the name of the master or person having charge thereof, at what place the cargo was taken on board, at what places the ship or vessel touched in her voyage, whether any such places, and which of them, were infected with any contagious disease, how long such ship or vessel had been in her passage, how many persons were on board when such ship or vessel set sail, whether any and what persons during that voyage had been, or shall then be, infected with any fever, or contagious disease; how many died in the voyage, and of what distemper; what vessels he, or any of his ship's company, with his privity, went on board; or had any of their company come on board his ship or vessel in the voyaye; and to what place such vessels belonged, and also the true content of his lading, to the best of his knowledge; and if it shall appear, upon examination, or otherwise, that any person then on board such ship or vessel, is actually infected with the yellow fever, or other malignant and infectious disease, or that such ship is obliged to perform quarantine, it shall and may be lawful to,

Duty of health officer prescribed.

Vessels obliged to perform quarantine, may be compelled, by force, if necessary, to repair to the place appointed for that purpose.

and

and for the officers of any of His Majesty's ships of war, or any of His Majesty's forts, or garrisons, and all other His Majesty's officers whom it may concern, upon notice thereof given to any of them respectively, and to and for any other persons whom they may call to their aid and assistance, and they are hereby required to oblige such ship or vessel to repair to such place as shall be appointed for performance of quarantine, and to use all necessary means for that purpose, be it by firing of guns upon such ship or vessel, or any other kind of force. And if any such ship or vessel shall come from any place visited by the yellow fever, or any other infectious and malignant distemper, or have any person on board actually infected therewith, and the commander, master, or other person having charge of such ship or vessel, shall conceal the same, or on demand not make a true discovery in any of the particulars aforesaid, such master, or person having charge of such vessel, shall, for every such offence, suffer twelve months imprisonment.

Masters of vessels not making known sickness on board their vessels, subject to twelve months imprisonment.

III. *And be it further enacted*, That if any master, or other person having charge of any ship or vessel which shall arrive in any port, harbour, river, creek or place within this Province, from any country, port or place whatsoever, wherein any infectious disease shall rage, or prevail at the time such vessel shall sail, or depart from such country, port or place, or if such ship or vessel shall be liable to perform quarantine, or if such master, or other person, shall himself quit, or shall knowingly permit or suffer any seaman or passenger, coming in such ship or vessel, to quit such ship or vessel, by going on shore, or on board any other ship, boat or vessel, before such master, or other person, shall have made report of the state of the health of the country, port or place, from whence such ship or vessel shall come, to the proper officer appointed for that purpose, or before such quarantine shall be fully performed; unless in such cases, and by such proper licences, as shall be directed, or permitted by such order or orders to be made concerning quarantine, and the prevention of infection as aforesaid; or in case any master, or other person having charge of such ship or vessel, shall not, within convenient time after due notice given for that purpose, by the proper officer, cause such ship or vessel, and the lading thereof, to be conveyed to the place appointed for such ship or vessel, and lading, to perform quarantine respectively; then, and in every such case, such master, or person having charge of such ship or vessel, for every such offence, shall forfeit and pay the sum of one hundred pounds, one moiety thereof to the King for the use of this Province, and the other moiety to him or them who will sue for the same; and if any person shall so quit such ship or vessel, by going on shore, or on board any other ship or vessel, contrary to the true meaning of this Act, it shall and may be lawful for all persons whatsoever, by any kind of force or violence, to compel such person to return on board such ship or vessel; and every such person so quitting such ship or vessel, shall suffer imprisonment for the space of six months, and shall also forfeit the sum of fifty pounds, one moiety to the King, his heirs and successors, for the use of this Province, and the other moiety to him or them that will sue for the same; such respective penalties and forfeitures to be recovered by action of debt, bill, plaint or information, in any of His Majesty's Courts of Record in this Province; and it shall and may be lawful for any Judge or Justice of such Court of Record, to endorse any writ or writs of capias, or attachment, for bail to the full amount of any or either of the foregoing penalties. *Provided* it shall be made appear by affidavit to such Judge or Justice that the person or persons, against whom such capias, or writ of attachment, shall be sued out, has or have transgressed any or either of the several provisions contained in this Act.

Penalty on masters of vessels permitting passengers, &c. to go on shore, while sickness is on board; or refuse to perform quarantine when ordered.

Persons quitting vessels under quarantine, subject to six months imprisonment.

Mode of recovering penalties.

IV. *And be it further enacted*, That whenever any ship or vessel shall arrive in any port or place in this Province, having on board any person or persons actually infected with the yellow fever, or other infectious sickness, or which, during the voyage, shall have had on board any person or persons who were infected with the yellow fever, or other infectious sickness, or otherwise liable to perform quarantine; and if it shall become necessary, either for the pre-

Manner of proceeding on the arrival of any vessel infected with a malignant fever.

venting the spreading of the infection, or for the preserving the lives, or the health, of the persons on board such vessel, or for depositing, opening and airing, of the goods or merchandise so liable to perform quarantine, to provide houses, tents or lazarets, for that purpose, it shall and may be lawful for two or more Justices of the Peace, together with the Overseers of the Poor, for the town or place where such vessel shall have arrived, upon full and sufficient proof, and after taking the testimony of one or more physicians, surgeons, apothecaries, or other skilful person, living in or near such township or place, to take care and make effectual provision as well for the preservation of the inhabitants, as of such sick and infected person and persons liable to perform quarantine, and also for the storing, opening and airing, of goods and merchandise from which infection may be feared: and such Justices, and Overseers of the Poor, being first authorised for that purpose by the proclamation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, for the removal of such person and persons, goods and merchandise, so liable to perform quarantine, shall and may place such sick and infected persons, and all other persons coming in any such ship or vessel, in one or more separate houses, tents or lazarets, as shall be deemed requisite: the same being sufficiently remote from any street, highway or dwelling, within the Province; and shall and may provide nurses, and other assistance, and all necessaries for them, at the charge of the parties themselves, their parents or masters, if able: and shall also take care that such goods and merchandise be landed, stored and properly aired, at the expence of the owner or owners of such goods and merchandise. And if it shall happen that any person or persons, so liable to perform quarantine, and for whom such expence shall be incurred, are unable to pay the same, the Overseers of the Poor shall lay the account thereof before the Justices of any Court of General or Quarter Sessions of the Peace held for the county or district within which such expence has been incurred, and the Justices having adjusted the account, and allowed so much thereof as they shall judge reasonable, then such charge shall be defrayed out of the Treasury of the Province, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the certificate of the said Justices.

Removal of persons, goods, &c. to some healthy situation on the shore.

Expence to be paid from the treasury.

V. *And be it further enacted*, That the proper officers authorised to put in execution any orders to be made as aforesaid, shall, and they are hereby empowered and required, to cause and compel all persons obliged to perform quarantine as aforesaid, and all goods and merchandise comprised within any such orders, respectively to repair, or be conveyed, to some of the said houses, tents or lazarets, or to such other places as shall be provided for the reception of such persons, or for the storing, opening or airing, of such goods or merchandise, according to such order or orders to be made as aforesaid.

Officers to compel persons to repair, or goods to be conveyed, to the houses, tents, or lazarets appointed to receive them.

VI. *And be it further enacted*, That if any person obliged to perform quarantine as aforesaid, shall wilfully refuse or neglect to repair within convenient time, after notice for that purpose from the proper officer, to the house, tent, lazaret, or other place duly appointed for him or her, or having been so placed, shall escape, or attempt to escape out of the same, before quarantine fully performed; it shall be lawful for any of the persons appointed to see quarantine performed, by such force as the case may require, to compel such persons respectively to repair, return to, and remain in such house, lazaret, or other place, so appointed for him or her as aforesaid, and every person so refusing or neglecting to repair, after notice as aforesaid, to such house, tent, lazaret, or other place appointed for him or her as aforesaid, and also every person actually escaping as aforesaid, shall be deemed guilty of a high misdemeanor, and be punished by imprisonment for a space of time not less than six months, and shall also forfeit and pay the fine of fifty pounds, for every such offence.

Penalty on such persons as refuse to perform quarantine on shore.

VII. *And be it also enacted*, That all persons, liable to perform quarantine in ships, lazarets or elsewhere, shall be subject, during said quarantine, to the orders of the officers authorised to see it duly performed: and such officers may enforce all necessary obedience to their orders,

Persons liable to perform quarantine, obliged to obey the orders of the health-officer.

orders, and in case of necessity may call in others to their assistance: and all persons so called are hereby required to assist accordingly.

Punishmens of such as enter a vessel, &c. to visit persons under quarantine.

VIII. *And be it further enacted*, That if any person, not liable to perform quarantine, shall enter any house, tent, lazaret, or other place so appointed as aforesaid, whilst any person infected, or under quarantine, shall be therein, and shall return, or attempt to return, from thence, except in such cases, and by such licences, as shall be directed or permitted by such order or orders to be made as aforesaid: the persons appointed to see quarantine performed, may, by such force as the case may require, compel such person, so returning, or attempting to return, to repair into such house, tent, lazaret, or other place so appointed, there to perform quarantine: and if such person shall actually escape thereout, before the full performance of such quarantine, he or she shall suffer six months imprisonment, and shall also be fined in a sum not exceeding fifty pounds.

Officers guilty of a wilful breach or neglect of duty, to forfeit their office, and 50l.

IX. *And be it further enacted*, That if any officer or person to whom it shall appertain to execute any order or orders concerning quarantine, or the prevention of infection, shall be guilty of any wilful breach or neglect of duty, every such person shall forfeit his office, and also the sum of fifty pounds, one half to His Majesty, and the other moiety to him or them who shall sue for the same, by action of debt, bill, plaint or information, in any Court of Record in this Province; and if any such officer or person, or any other person or persons whomsoever, shall wilfully embezzle or damage the goods performing quarantine, he, she or they, shall be liable to pay treble damages, and poor the Justices to ve suits.

And whereas it hath been experienced Justices shall *cloaths, wearing apparel, and household goods, that have been used by persons infected with* and shall give *fever, or other contagious disease, or which have come from places infected with the said fever or disease,* place, and *more especially liable to retain and communicate infection:* efor

Wearing apparel, bedding, &c. used by infected persons on board vessels, to be burnt.

X. *It is hereby further enacted*, That when any such beds, bed cloaths, wearing apparel or household goods, which have been worn or used by any infected person, or imported from places infected as aforesaid, shall be found on board any ship or vessel, or in any house or place whatsoever, it shall be lawful for any two of His Majesty's Justices of the Peace, upon notice, and due proof thereof, by the oath of one or more credible witnesses, to cause such beds, bed cloaths, wearing apparel or household goods, to be burnt, or otherwise to be delivered to the proper officer, in order that they may be aired or purified in the same manner as goods liable to perform quarantine.

The health-officer to give a certificate of vessels performing quarantine.

XI. *And be it further enacted*, That when any ship or vessel, person or persons, goods or merchandise, obliged to perform quarantine as aforesaid, shall have duly performed the same, they shall be freed from all further restraint or detention, and the chief officer superintending the quarantine shall certify the same, and that such ship and vessel, person and persons, goods and merchandise, are free from infection; and if any such officer shall knowingly give a false certificate, he shall be adjudged guilty of felony, without benefit of clergy.

Persons concealing letters, &c. on board an infected vessel, declared guilty of felony.

XII. *And be it further enacted*, That if any person or persons shall knowingly, or wilfully, conceal from the health-officer, or persons superintending the quarantine, or shall clandestinely convey any letters, goods or merchandise, from any ship or vessel liable to perform quarantine, or from any place where persons or goods shall be performing quarantine, every such person shall be adjudged guilty of felony, without benefit of clergy.

Proclaiming the Quarantine how to be made.

XIII. *And be it further enacted*, That whenever the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of this Province, shall make any order concerning quarantine, and the prevention of infection, and notify the same by proclamation, or cause it to be published in the Royal Gazette as aforesaid, such proclamation, or order in Council, shall be publicly read upon the next Sunday after receipt of the same, and the first Sunday in every month afterwards, while such order is in force, immediately after the prayers in all churches, and other places set apart for divine worship, in this Province.

XIV.

Penalty on masters of vessels arriving from any place where an infectious fever prevailed, not making a sufficient report.

XIV. *And be it further enacted*, That whensoever after the publication of this Act, any ship or vessel shall arrive in any port, harbour, river, creek or place, within this Province, from any country, port or place whatsoever, which is now, or shall hereafter be, infected with the yellow fever, plague, or any other pestilential disease; or if there shall be, or shall have been, during the voyage of such ship or vessel, any yellow fever, plague, or other pestilential disease, on board said ship or vessel, then, and in such case, if the master thereof, or other person having the charge or command of such ship or vessel, shall, on any account whatsoever, land, or come on shore himself, or go on board any other boat, ship or vessel, or shall permit or suffer any person whatsoever to come on shore, or land from said ship or vessel, or go on board any other ship, boat or vessel, or any letter or letters, goods, wares or merchandise whatsoever, to be put on shore, or on board any other ship, boat or vessel, or shall permit or suffer any person or persons whatsoever to come on board such ship or vessel, until such ship or vessel shall be visited and examined by the health officer as aforesaid, or if the master, or person having the command of such ship or vessel, shall conceal, or keep secret from such health officer, the true state and condition of the health of the inhabitants at the several ports or places where such ship or vessel shall have been during her voyage, or the true state and condition of his own health, and the health of those on board, or who were on board, or ma[illegible]ime during the voyage of such ship or vessel, or the true state and condition of the [illegible]ored a[illegible] of the people on board of any ship or vessel, which the master, or any person on board [illegible]dise. A ship or vessel, might have boarded during the voyage, or shall give to such he[illegible] and for w[illegible] any false or untrue information touching or concerning the premises; and [illegible]ers of the Po[illegible] vessel be ordered to perform quarantine, and the master or person having the [illegible] Quarter Sessio[illegible]ch ship or vessel, shall neglect or refuse to proceed with such ship or vessel to [illegible]been in[illegible] appointed for performing quarantine, or shall attempt to make his escape with such ship or vessel, or shall permit or suffer any person or persons, letter or letters, goods, wares or merchandise of any kind whatsoever, to be taken from on board said ship or vessel, after she shall be so ordered to perform quarantine, or any person or persons to come on board said ship or vessel after such order, unless with the permission, and by order, of the health officer; then, and in all such cases, such master, or person having the charge of such ship or vessel, shall forfeit and pay for every such offence, a fine not exceeding two hundred pounds, to be recovered as aforesaid.

Appointment of health-officers.

XV. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, immediately after the publication of this Act, to appoint, during pleasure, in all the counties and districts in this Province, so many fit and proper persons as may be deemed necessary to act as health-officers within such county or district: which officers shall be duly sworn faithfully and diligently to carry this Act, and every matter and thing therein contained, into effect; and such officer and officers shall have full power and authority to execute all and every matter and thing needful and necessary to be done, touching and concerning the performing of quarantine, and the carrying the several provisions, contained in this Act, into full force and effect; and such officer or officers shall be paid, out of the Province Treasury, a reasonable sum for all services which he or they shall necessarily perform in carrying this Act, or any matter or thing therein contained, into effect, upon such officer or officers exhibiting a just and true account of such services to the General Assembly of the Province at its respective sittings.

Action commenced against a person proceeding under this Act.

XVI. *And be it further enacted*, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, the defendant or defendants may plead the general issue, and give this Act, and the special matter, in evidence.

CAP.

CAP. IV.

An ACT in addition to an Act, made in the third year of His present Majesty's Reign, entitled, An Act to enable the Inhabitants of the several Townships in this Province to maintain their Poor.

For Acts respecting Poor, see note on 3d and 4th Geo. 3d cap. 7.

Preamble.

WHEREAS *it hath been doubted whether the jurisdiction of the Justices of the Peace, in their Sessions, extends to controul and direct the expenditure of monies collected for the use of the poor, and to examine and check the accounts of the Overseers of the Poor*:

Appointment of a Keeper and Surgeon to the Poor-House.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, it shall and may be lawful for Justices of the Peace for the County of Halifax, from time to time, at their respective Sessions, to nominate and appoint a keeper of the poor-house at Halifax, and a surgeon to attend the poor therein: and to make such bargains and agreements, with such keeper and surgeon, as the said Justices shall find expedient, as well for the benefit of the said poor, as for the general advantage of the inhabitants of the said county.

Regulation and inspection of the Poor-House.

II. *And be it further enacted*, That it shall and may be lawful for the said Justices, at their respective Sessions to make such reasonable rules and regulations for the government of the said poor-house, and of the poor therein, as they shall see fit; and also at every Quarter Sessions to appoint three of the said Justices to visit and inspect the said poor-house whenever they may see occasion, and such inspecting Justices shall, on some certain day in the first week of every month, visit the said poor-house, and shall give notice to the Overseers of the Poor of the day and hour when such visitation is to take place, and the said Overseers shall then and there attend upon the said inspecting Justice, and shall lay before them a list of all such wearing apparel, bedding, and other necessary articles, as may be deemed requisite for the use of the poor-house, and of the poor therein, for the ensuing month, and such list shall be examined and approved in whole, or in part, by the said Justices, and the articles so approved of, and no more, shall be applied accordingly.

Examination of the accounts of the Poor-House.

III. *And be it further enacted*, That the Justices of the Peace in their respective Sessions, in the several counties throughout the Province, shall and may examine the accounts of the Overseers of the Poor, after they shall have been delivered to them in manner directed by the aforesaid Act, and shall allow such accounts if they appear just, and may refuse to allow any monies charged in said accounts, which the said Justices shall have reasonable grounds to believe unduly, or unfairly, charged or expended.

Overseers to deliver an inventory of articles in the Poor-House to their successors.

IV. *And be it further enacted*, That the Overseers of the Poor shall take, and keep, a true inventory of every article belonging to the said Poor House, and at the expiration of their office, shall deliver over to their successors, a true inventory of all the articles then remaining in said Poor House, a duplicate of which last mentioned inventory shall be delivered, by the preceding Overseers, into the Sessions along with their accounts.

Overseers refusing, or neglecting to comply with this Act.

V. *And be it further enacted*, That if any Overseer of the Poor shall refuse, or neglect, to comply with the respective directions contained in this Act, he shall forfeit and pay for every offence, a sum not exceeding forty shillings, nor less than twenty shillings, to be recovered before any Justice of the Peace, and applied to the use of the poor of the town of Halifax.

Regulations for the government of Poor-Houses in other townships.

VI. *And be it further enacted*, That when Poor Houses shall be built, or provided in any other townships in this Province, the same shall be regulated, managed and controlled as the said Poor House at Halifax is by law regulated, managed and controlled.

CAP.

CAP. V.

An ACT for the better regulation of the Circuit Courts, and for granting new Trials in Causes brought up from the Inferior Courts.

Circuit Courts in Hants, King's County and Annapolis, to be held only once a year.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly*, That the Circuit Courts in the several counties of Hants, King's County, and Annapolis, shall in future be held only once a year, that is to say, at Windsor, on the third Thursday in September; at Horton, the Monday following the said third Thursday; and at Annapolis on the Monday next after the Court at Horton: any law, usage or custom, to the contrary notwithstanding.

New trials in causes moved from Inferior court to be granted. *Provided* it be moved for in one year, and the party moving it give bail, &c.

II. *And be it also enacted*, That it shall and may be lawful for the Supreme Court, in causes brought up from the Inferior Courts by Habeas Corpus, Certiorari, Writ of False Judgment, or Error in cases where a trial by jury has been had below, to grant a new trial of the fact before the said Supreme Court, on such terms and conditions as the said Court shall judge best calculated to afford substantial justice to the parties: *Provided* such new trial shall be moved for within one year after the trial below, and it shall be made appear to the said Supreme Court, that a new trial ought to be granted, and the party praying the same shall put in special bail in the said Supreme Court to abide the final judgment which may be given in the said cause.

Executiont returnable in 60 days.

III. *And be it further enacted*, That all Writs of Execution, issuing from the Circuit Court, shall be made returnable in sixty days from the issuing thereof.

Writs of Certiorari, Habeas Corpus, or Writs of Error, to remove causes from Inferior to Supreme court, may be allowed by any one Justice.

IV. *And be it further enacted*, That it shall and may be lawful for any one of His Majesty's Justices of the Supreme Court, either in term time or otherwise, to allow Writs of Certiorari, Habeas Corpus, *cum causa*, Writs of False Judgments, or Writs of Error, to remove causes from the Court of Common Pleas, to His Majesty's Supreme Courts, before trial or judgment given therein, on the application of the defendant or defendants, and, after trial or judgment, on the application of either plaintiff or defendant, or plaintiffs or defendants, upon condition that before such writ or writs be allowed, the person or persons applying for the same shall file special bail in His Majesty's said Supreme Court, with such sufficient sureties as the Judge shall approve of; and such writ or writs, when so allowed, shall issue from, and be signed and sealed by, the Prothonary of the said Supreme Court, or his deputy in any part of the Province.

Circuit Court at Amherst, on first Tuesday of June annually.

V. *And be it further enacted*, That the Circuit Court for the County of Cumberland, shall be held at Amherst on the first Tuesday of June, annually.

CAP. VI.

An ACT for altering the time of holding the Court of Common Pleas, and General Sessions of the Peace, and for chusing Town Officers for King's County.

Preamble.

WHEREAS *the time of holding the Court of Common Pleas, and General Sessions of the Peace, for King's County, and for chusing Town-Officers for the respective Townships in said County, have been found inconvenient:*

Times of holding General Sessions of the Peace at Horton.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, the said Courts of Common Pleas, and the Court of General Sessions of the Peace for the said county, shall be held, in each year at Horton, on the third Tuesday,

day of June, and firſt Tueſday of October; any law, uſage or cuſtom, to the contrary notwithſtanding.

Time of chuſing town-officers, for King's County.

II. *And be it further enacted*, That at the Court of General Seſſions of the Peace for the ſaid county, which will be held as aforeſaid, on the firſt Tueſday of October next, and thereafter in each year at the October Seſſions, the Grand Jury for ſaid county ſhall nominate, and the Juſtices ſhall appoint, town-officers, and regulate the ſeveral townſhips of the ſaid county, in the ſame manner as is by law directed, and has been heretofore accuſtomed to be done, at the firſt General Seſſions of the Peace in each year for the ſaid county. And the town-officers, for the ſeveral townſhips of ſaid county, already appointed to ſerve the enſuing year, ſhall continue in office, and be bound to perform the duties of their reſpective offices, until others are appointed, and ſworn in their ſtead, agreeable to the proviſions of this Act.

CAP. VII.

An ACT for regulating the Practice of Inoculating for the Small Pox.

This Act repealed by 41ſt Geo. 3d. cap. 2.

CAP. VIII.

An ACT for eſtabliſhing a Public Market in the Town of Liverpool.

Juſtices, in Seſſion, for Queen's County, to provide a market in the town of Liverpool.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That it ſhall and may be lawful for the Juſtices of the Peace of Queen's County, at their next General Seſſions of the Peace to be held after the publication hereof, to procure and fit up a proper place in the town of Liverpool, as a market-houſe, wherein a public market ſhall be held for the ſale of all kinds of butcher's meat, poultry, alive or dead, fiſh, roots, greens, fruits, and other vegetables, on ſuch days of the week, and during ſuch hours, as the Juſtices, in their ſaid Seſſions, ſhall from time to time appoint: and it ſhall and may be lawful for the ſaid Juſtices to appoint the firſt market day, for the opening and eſtabliſhing of the ſaid market, from which day, ever after, ſuch market ſhall be deemed and taken to be a public market: and an Act, made in the ſixth year of His preſent Majeſty's reign, entitled, An Act againſt foreſtallers and regrators, ſhall, from that day forth, be in full force and effect, in and within the ſaid County of Queen's County.

Regulation of ſaid market.

Appointment of a keeper to ſaid market, and his power.

II. *And be it further enacted*, That it ſhall and may be lawful for the ſaid Juſtices, in their General Seſſions, from time to time, and at all times hereafter, to nominate and appoint a keeper of ſaid market-houſe, who ſhall be ſworn to the faithful diſcharge of his office, and ſhall have the ſame power and authority as a Conſtable in all matters relating to keeping peace and order in the ſaid market; and the ſaid Juſtices may, from time to time, at their pleaſure, remove ſuch keeper, and appoint another in his room, and ſhall regulate and fix the rate or rates of the ſtalls, or ſtandings, in ſaid market, and ſhall have full power and authority to make and publiſh ſuch bye laws, from time to time, as may be neceſſary for the better regulating, governing, ruling and ordering, ſaid market, when eſtabliſhed: *provided* the ſame be not repugnant to the Laws of Great-Britain, or of this Province; and it ſhall be lawful for the ſaid Juſtices to enforce obedience to ſuch bye laws, by impoſing a fine, not exceeding the ſum of ten ſhillings, for each and every offence, and, upon due conviction of any offender againſt ſuch bye laws, before any one of His Majeſty's Juſtices of the Peace for the ſaid county, it ſhall be lawful for ſuch Juſtice to cauſe ſuch fine to be levied by warrant of diſtreſs and ſale of the offender's goods and chattels.

Fixing of the rates of the ſtalls, or ſtandings.

Perſons offending againſt this Act.

III.

Raising money for the building a market-house: rents, &c. to go to its repair.

III. *And be it further enacted*, That it shall and may be lawful for the Grand Jury of the said county, from time to time, to raise, by presentment, in the usual form, so much money as may be necessary to build, repair and erect, the said market-house; and the rent of the stalls, and standings, in said market, together with all fines and forfeitures arising in pursuance of this Act, shall be applied to the keeping of said market-house in repair, and to no other use.

CAP. IX.

An ACT in amendment of an Act, passed in the Thirty-seventh year of His Majesty's reign, entitled, An Act for appointing Commissioners to determine upon a proper situation in the Town of Halifax, and to purchase Lots of Ground, if necessary, to erect a Public Building for the accommodation of the General Assembly, Court of Chancery, Supreme Court, and Court of Admiralty, and Public Offices, and for procuring Plans and Estimates for a Building hereafter to be erected for the residence of the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Preamble.

WHEREAS *by the aforesaid Act it is provided, that there shall be erected a range of Public Buildings, for the sittings of the General Assembly, and Courts of Justice, and for the Public Offices, and also a Government-House, for accommodation of a Governor, Lieutenant-Governor, or Commander in Chief, and by the said Act it is intended, that the said range of Public Buildings shall be first erected: and whereas the present Government-House is in so ruinous a condition, as to be unfit for the residence of the Governor, or Commander in Chief of this Province, whereby it becomes more immediately necessary, to proceed to the erection of a house suitable for his reception and accommodation:*

The erection of Public Buildings for sitting of General Assembly, &c. to be deferred and a house for the accommodation of the Governor built.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the erecting of the range of public buildings, for the sittings of the General Assembly and Courts of Justice, and of the Public Offices, be deferred, and that instead thereof, a suitable house be erected, with proper offices, and conveniences, on the lot of ground purchased for the said range of public buildings, or on the ground which may be purchased contiguous thereto, for the accommodation of the Governor, Lieutenant-Governor, or Commander in Chief of this Province, which house, when erected, shall be called the Government-House of the Province of Nova-Scotia, and shall be appropriated for the residence of the Governor, Lieutenant-Governor, or Commander in Chief of the Province of Nova-Scotia, for the time being; and to no other use and purpose whatsoever.

Governor to appoint Commissioners, to superintend said building

II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Commissioners, in the room and place of such of the Commissioners nominated in the said Act, whose offices have become, or shall hereafter become vacant, by death, resignation or removal, and the persons so appointed, together with those appointed by the said Act, and continuing in their office, shall be Commissioners for building the said Government-House.

Materials collected for Public Building to be used for Government-House.

III. *And be it further enacted*, That it shall and may be lawful for the said Commissioners to employ and use, in the building of the Government-House hereby authorised to be erected, such parts of the materials already contracted for, or purchased for, the intended range of public buildings, as they may find necessary, and to sell and dispose of such other parts of the said materials as may not be wanted for the said Government-House: and the monies, thence arising, shall be applied, by the said Commissioners, to and for the uses of the said Government House.

IV.

IV. *And be it further enacted*, That the said Commissioners, or the major part of them, with the approbation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may and shall determine upon, and purchase, such and so many lots of ground in the town of Halifax, contiguous to the said lot of ground lately purchased for the range of public buildings, as may be sufficient and suitable whereon to erect a house for the accommodation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being. *Provided always*, That the purchase money of such lots do not exceed the sum of one thousand five hundred pounds. *And provided also*, That the whole expence of building, and fully completing the said Government-House within, and without, with all the suitable conveniences, shall not exceed the further sum of five thousand four hundred pounds.

Purchase of lot of ground, whereon to erect the government house of the Province of Nova-Scotia.

V. *And be it further enacted*, That so soon as the said Government House shall be erected, and completed, fit for the residence of the Governor, Lieutenant-Governor, or Commander in Chief, and he shall have removed thither, the house and lot of ground now used and appropriated as the Government-House, shall be used and appropriated for the sittting of the General Assembly and the Courts of Justice, and such Public Offices as it will accommodate, or which may be built, or provided, on the said lot of ground.

Old government house to be appropriated to the sittings of the General Assembly, Courts, &c.

CAP. X.

An ACT to compel the attendance of the Justices of the Peace at the several General and Quarter Sessions of the Peace, for the respective Counties of this Province.

Preamble.

WHEREAS *great inconveniences have been experienced for the want of a regular attendance of the Magistrates at the several Courts of General and Quarter Sessions of the Peace throughout the Province*, and whereas *it is highly expedient that a sufficient number of Justices should attend at said Courts, to transact the public business of the several Counties, and to regulate the important concerns which are by law entrusted, and made subject, to their controul and jurisdiction:*

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, the Clerks of the Peace for the several Counties of this Province, shall, at every Court of General or Quarter Sessions of the Peace for the respective Counties, and on every day of the meeting of said Court, enter into a book, to be prepared for that purpose, the names of every Justice of the Peace who shall attend at such Court, and assist in the business which shall then be brought before the said Court, and if any such Justice of the Peace shall leave the said Court before the business of the day shall be completed, or without obtaining the consent of the major part of the Magistrates then sitting in said Court, his name shall not be entered in the said book for that day, but shall be omitted as though he had totally absented himself from such meeting.

Clerks of the Peace, at every Court of Sessions, to note in a book, the attendance of Justices at such Court.

Justices leaving the Court before the business is completed to be entered as absent.

II. *And be it further enacted*, That the Clerks of the Peace, for the several Counties where the Supreme Court usually sits, shall, on the first day of the sitting of the said Supreme Court, in the respective counties, next after any General or Quarter Sessions of the Peace for such county, return into the said court, under his hand, a list of all such magistrates, as have wholly neglected to attend at such preceding Sessions, and the several Clerks of the Peace for the counties, or districts, where the said Supreme Court does not ordinarily sit, shall, within six months after any General or Quarter Sessions of the Peace, for such county or district, make a list in manner aforesaid, of all Magistrates who shall have neglected to attend at such Sessions as aforesaid, and return such list into the said Supreme Court at Halifax; and if any

The names of Justices neglecting to attend Court of Session, to be returned to the Supreme Court, by Clerk of the Peace.

Magistrate whose name shall be included in any such lists, shall not give to the said Court a reasonable excuse for his non-attendance at the said Sessions, the said Supreme Court shall, and is hereby required to make a return under the hand of the Chief Justice, or the presiding Judge of such Supreme Court, to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of the names of such Justices of the Peace as have neglected, without sufficient reason, to attend at such General or Quarter Sessions of the Peace, and every such Justice, whose name shall be so returned by the Supreme Court to the Governor, Lieutenant Governor, or Commander in Chief for the time being, for neglect as aforesaid, shall, *ipso facto*, forfeit his office of Justice of the Peace, as fully as if he had been discharged therefrom by express Writ under the Great Seal of the Province. And if any Clerk of the Peace shall neglect to make such return to the said Supreme Court as aforesaid, he shall forfeit and pay for every such neglect, a fine of five pounds, to be recovered before any two Justices of the Peace, by him or them who will sue for the same, one half of which penalty shall be paid to the prosecutor for his use, and the other half to the Overseers of the Poor, for the use of the poor of the town or place where such Clerk shall be resident.

The names of Justices neglecting of duty, to be returned to the Governor, & removed from office.

Clerk to forfeit 5l. for neglect thereof.

III. *And be it further enacted*, That the Sheriffs of the several Counties or Districts of this Province, shall, hereafter, at least fourteen days before the sitting of the Supreme Court within such County or District, summon all and every the Justice and Justices of the Peace within their respective bailiwicks, to attend at said Supreme Court on the first day of the sitting of said Court: and the several Justices of the Peace are hereby required to pay due obedience to such summons, and to attend at said Supreme Court from day to day, during the term, or until the Justices of said Supreme Court shall discharge them from further attendance. *Provided*, nothing herein contained shall extend, or be construed to extend, to the Members of His Majesty's Council, the Justices of the several Courts of Common Pleas, or to such persons as are Justices throughout the Province.

Justices to be summoned to attend the Supreme Court.

CAP. XI.

This Act passed, with a suspending clause, until His Majesty's pleasure was known, which has not yet been signi-

An ACT in amendment of an Act, made in the Third year of His Majesty's reign, entitled, An Act for the relief of Insolvent Debtors.

CAP. XII.

Executed.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand seven hundred and ninety-nine; and for appropriating such part of the Supplies, granted in this session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

CAP.

CAP. XIII.

An ACT for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses, and Shops.

For Acts in amendment of this Act, see 40th Geo. 3d Cap. 14 41st Geo. 3d. cap. 12.

BE *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 their 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, ale, wine, cyder, perry, or other strong liquors, mixt or unmixt, by whatsoever name or names they are, or may be, called, or distinguished, without licence 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, exchanged or delivered, the same, or not, by the command 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 whatsoever 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 other 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: such person or persons, and the father, or mother, of such child or children, and the reputed master or mistress of such servants, or substitutes, shall forfeit, for every offence, a sum not exceeding ten pounds, nor less than five pounds. And it shall and may be lawful for any two Justices of the Peace within this Province, on their 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 amount of such fines or forfeitures into the hands of such Justices: 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 Justices to issue a Warrant, under their hands and seals, for the levying the same, by distress and sale of the offender's goods and chattles, and if no sufficient distress can be found, then the said Justices shall, by warrant under their hands and seals, commit the offender, or offenders, to His Majesty's goal, within the county, where the offence shall be committed, there to remain in close confinement, or be put to hard labour for the space of of three months, or until he, or she, shall have fully paid, and satisfied, the said fine, and charges as aforesaid; or otherwise, to be bound out by said Justices, for any time not exceeding three months, to serve and labour for any person who will pay the fine and costs. *Provided*, That all prosecutions, in pursuance of this Act, shall be made within three months after the offence committed.

No liquors to be sold without licences, under a penalty of 10l.

Recovery of penalty, &c.

Prosecutions to be within three months.

II. *And be it further enacted*, That every person having licence to sell any spirituous liquors, wine, ale, beer, cyder or perry, shall, within ten days after obtaining such licence, hang out a sign, or inscription, with their names thereon, setting forth that spirituous liquors are there to be sold by licence, on pain of forfeiting five pounds for each and every such neglect.

Persons licensed to sell spirituous liquors, to hang out a sign, or forfeit 5l.

III. *And be it further enacted*, That if any person or persons, not having obtained a licence therefor,

Persons hanging out a sign, not

having a licenſe, to forfeit the ſame penalty as for ſelling without licence.

therefor, ſhall preſume to hang out, or ſuffer to remain, any ſign or 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 licence.

Perſons ſelling liquor at different places under one licenſe, to forfeit the ſame penalty as for ſelling without licence.

IV. *And be it further 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, licence 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 licence: and the ſame ſhall and may be proſecuted for, paid, levied and diſpoſed of, in like manner as is directed by this Act.

Manner of proceeding on granting licenſes.

V. *And be it further enacted*, That it ſhall and may be lawful for the Grand Juries of the ſeveral Counties and Diſtricts of this Province, and they are hereby required to nominate and recommend to the Juſtices of the Peace, at their General or Quarter Seſſions for the ſaid counties and diſtricts reſpectively, firſt to be held after the publication hereof, and at the ſpring Seſſions annually afterwards, as many fit and proper perſons of good fame, and of ſober life and converſation, as they ſhall judge neceſſary to be licenſed to ſell ſpirituous liquors, or to keep taverns, or houſes of public entertainment, in the ſeveral towns, and on the ſeveral roads, of this Province, lying within their reſpective counties or diſtricts, ſetting forth, in ſuch nomination, the ſeveral townſhips, and the ſtreets, lanes or roads, in or upon which the ſaid perſons reſpectively dwell; and the Juſtices ſhall, out of ſuch liſt, at their next General Seſſions of the Peace after the publication hereof, and at the next ſpring Seſſions in every year afterwards, grant to as many of the perſons ſo nominated, as they ſhall ſee fit, licenſes to ſell wine, porter, beer, ale, rum, brandy, and all kinds of ſpirituous liquors, and ſhall then and there cauſe each, and every perſon ſo licenſed, to enter into a recognizance, with one good and ſufficient ſurety, in the penal ſum of fifty 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 entertainment, and ſhall not ſuffer any raffle, or raffles, the uſing, or playing, of any kind of game, or games, whatſoever therein, and ſhall duly pay into the hands of the Clerk of the Licenſes, his, her and their, quarterly payments, within ten days after ſuch payments ſhall become due, and the Clerk of the Licence, where ſuch licences ſhall be granted, ſhall receive for his fees, from each perſon ſo licenced, for the licence and recognizance, five ſhillings, and no more.

Duty to be paid by the perſons keeping licenced houſes.

VI. *And be it alſo enacted*, That each and every perſon, to whom licence for ſelling wine, ale, cyder or perry, rum, or other diſtilled ſpirituous liquors, within the peninſula of Halifax, ſhall be granted, ſhall pay for the ſame the ſum of ſix pounds per annum: one fourth part whereof ſhall be paid to the Clerk of the Licences, on or before the granting of ſuch Licence, and the remainder to be paid quarterly, three months in advance; and that there ſhall be paid by every perſon who ſhall obtain licence, as aforeſaid, in every other town and place within the ſaid Province, three pounds per annum, to be paid quarterly, and in advance, as aforeſaid. *Provided always*, That it ſhall be in the power of the ſaid Juſtices, in their General or Quarter Seſſions of the Peace, from time to time, on the recommendation of the Grand Jury, and at the diſcretion of ſaid Juſtices, to grant licence, or licences, gratis, to any perſon or perſons living on roads, which are remote, and little frequented, for the encouragement of ſuch perſons, keeping houſes of entertainment on ſuch public roads, for the accommodation of travellers.

Juſtices impowered to grant licenſes gratis, to perſons living on remote roads, &c.

VII.

Justices in Spring Sessions, to appoint a day for the granting of licenses; and receiving the quarter's advance.

VII. *And be it further enacted*, That the Justices aforesaid shall, on the first day of their spring Sessions of the Peace, appoint one certain day, during their said spring Session, whereon to grant licences as aforesaid: on which day the Clerk of the Licences shall, and is hereby required to, attend the said Justices to receive the quarters advances from the several persons licensed as aforesaid, and to take a list of their names and places of abode, and all licences granted at any other time, or in any other manner, shall be void. *Provided*, That if any person or persons, recommended as aforesaid by the Grand Jury, shall neglect or refuse to attend on the day or days to be appointed as aforesaid for the granting of licences, or shall neglect or refuse then and there to enter into recognizance, with one surety, as herein before provided, or shall not pay, to the Clerk of the Licences, one fourth part of the said licence money in advance; or in case any person, licensed, should die, or his or their licence be taken away, or otherwise become vacant, then, and in all such cases, it shall be lawful for the said Justices, at any time during the same Sessions, or in any succeeding Sessions, to appoint, and grant, such licence or licences to any other person or persons of good fame, and a sober life, living near the person whose licence may become vacant as aforesaid, or so neglecting or refusing to comply with the conditions required by this Act, he, she or they, so to be licensed instead thereof, giving the security, and paying the fees and advances, hereby required.

Persons nominated not attending, or neglecting to take out licence, or licenced persons dying, others may be licenced in their stead.

All persons, except in Halifax, shall keep houses for the entertainment of travellers.

VIII. *And be it further enacted*, That the said Justices shall not grant a tavern licence to any person (except in the town of Halifax) unless he, she or they, shall keep a house of public entertainment for travellers: and every person, obtaining such tavern licences, shall cause a sign to be set up over or near the door of such tavern, with his or her name thereon, and a plain inscription, setting forth, that entertainment may be had there for man and horse, and shall also keep and have in his or her house, two good beds, over and above what may be required for the lodging of his or her family and servants; and shall also be sufficiently provided with good and wholesome victuals, and drink, for the accommodation of travellers, and with stables, hay and provender, for horses, in default whereof it shall be lawful for the Justices in Sessions, on complaint thereof, by one or more witnesses upon oath, to take away such licence as forfeit.

Persons abusing their licence, by suffering disorderly persons, servants and apprentices, or persons under twenty-one years of age, to frequent their houses, or to have any liquor drank there, or who suffer persons to resort to their houses, on the Lord's Day, &c. to forfeit their licence; as also the amount of their bond and sureties, on conviction at the Sessions.

IX. *And be it further enacted*, That if any tavern-keeper, retailer of spirituous liquors, vintner, or other person, keeping a public house of entertainment within this Province, shall, on any pretence whatsoever, suffer any disorderly persons, or any hired man, or woman servant, apprentice, male or female, or any person or persons under the age of twenty-one years, to resort to such tavern, or public house, at any time or times of the day, or night, throughout the week, there to idle, or mispend, his, her or their, time, or to have any liquor to drink therein, or shall entertain, or suffer, on the Lord's Day, any of the inhabitants of Halifax, or of any of the towns respectively, where such tavern-keepers, retailers of spirituous liquors, vintners, or other persons keeping public houses of entertainment, respectively dwell; or others, not being strangers, or lodgers, in such houses, or such as come thither for necessary dieting and victualling only, to abide or remain, in or about their dwelling-houses, drinking, or idly spending their time; it shall be lawful for any one of His Majesty's Justices of the Peace for the county, either on his own view, or on the information of one credible witness, to cause the person or persons, offending against this clause, or any matter or thing herein contained, to be apprehended, and committed prisoner to the county jail, unless such offender, or offenders, shall enter into a recognizance, before such Justice, with one or more sufficient bondsmen, for his, her, or their, appearance, at the next General Sessions of the Peace, there to answer such complaint; and, in the mean time, to be of good behaviour, and also to bind over the witness, or witnesses, to prosecute at such Sessions: and it shall and may be lawful for the Grand Jury, of their own knowledge, or on the information of one or more credible witnesses, to make presentment, or to prefer a bill of indictment, against such offender, before the Justices of the Peace, at their General or Quarter Sessions for the county, or district,

district, where the offence shall have been committed; and such tavern-keepers, retailers of spirituous liquors, vintner, or other person, keeping a public house of entertainment, being duly convicted by the verdict of a jury, upon such presentment, and indictment, shall forfeit his licence, and shall also pay the penalty of his, her or their, bond, or recognizance, taken pursuant to the fifth section of this Act, for such offence. And every such tavern-keeper, retailer of spirituous liquors, vintner, or other person keeping a public house of entertainment, shall cause the whole of the fifth and ninth sections of this Act, written or printed in a plain and legible manner, to be affixed or set up in some conspicuous part of his or her tavern, shop, and in every room in his or her house set apart, or commonly used, for the entertainment of travellers or other persons: and there to remain as long as such tavern-keeper, retailer of spirituous liquors, vintner, or other person keeping a public house of entertainment, shall hold such licence, on pain of forfeiting such licence for any neglect thereof.

Persons licenced to have the fifth and ninth sections of this Act, placed conspicuously in their houses, or forfeit their license.

X. *And be it further enacted*, That, from and after the publication of this Act, the Justices of the Peace, in the several Counties in this Province, in their General or Special Sessions of the Peace, shall and may grant licences to persons keeping shops and vending goods, wares and merchandise, for the selling wine, beer, ale, cyder or perry, rum, or other distilled spirituous liquors, in quantity not less than one quart, delivered at one and the same time; (the town and suburbs of Halifax excepted: within which it shall be lawful for persons, having shop licences, to retail a quantity of spirits not less than one jill, delivered at one and the same time) and there shall be paid for such licence, by the person taking out the same, if residing within the township of Halifax, the sum of four pounds per annum; and if residing within any other township or place in the Province, the sum of forty shillings per annum, and five shillings to the Clerk of the Licence for making out the same: which payment shall be made in advance in manner herein before directed. *Provided always*, That if any person, so taking out a shop licence, shall sell or deliver any quantity of wine, ale, beer, cyder or perry, rum, or other distilled spirituous liquors, less than one quart, (the town and suburbs of Halifax only excepted as aforesaid) or shall on any account permit or suffer any wine, ale, beer, cyder or perry, rum or other strong liquors, to be sold for the purpose of being drank or consumed in his or her shop or house: such person or persons so offending shall be subject to the like prosecutions, penalties and forfeitures, as persons selling spirituous liquors without licence. And every person taking out such shop licence shall cause the whole of the tenth section of this Act, written or printed in a plain legible manner, to be affixed up in some conspicuous part of his or her shop, and there to remain during the continuance of his or her licence, on pain of forfeiture thereof.

Shop Licences may be granted for the sale of liquor, but not to be drank or consumed in the shop, &c.

Persons acting contrary to such licence, to forfeit the same penalty as for selling without licence.

Persons taking out such license, to have this section placed conspicuously in their shop.

XI. *And be it further enacted*, That all licences which shall be granted in the present year, by virtue of this Act, shall not continue or be in force for a longer time than until the next ensuing General Sessions of the Peace, to be held in each county or district in the year of our Lord one thousand eight hundred: and all licences to be afterwards granted shall continue and be in force for one year, and no longer, after their dates respectively; and any person or persons who shall continue to sell for a longer time, without taking out a new licence, shall be subject to the like prosecutions, penalties and forfeitures, as persons selling spiricuous liquors without licence.

Continuance of licences hereafter granted to be for one year.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to prevent or debar any merchant, shop-keeper 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 one gallon, delivered at one and the same time.

This Act not to extend to merchants, and others selling liquor by the gallon.

XII. *And be it further enacted*, That when any information, presentment or indictment, 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 any such person so summoned,

Persons refusing to attend, when summoned to

moned, shall neglect, or refuse, to give his, or her, attendance, at the time and place mentioned in the summons, not having any just cause therefor, to be allowed of by the Justices before whom such information, presentment or indictment, shall be made, or shall 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 ten pounds: to be levied by warrant of distress and sale from the said Justices on the offender's goods and chattels; and for want of such distress such person or persons shall be committed to jail, there to remain for the space of three months, or until the said sum of ten pounds shall be paid; *Provided nevertheless*, 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 Justices, and payable out of the monies arising by virtue of this Act.

give evidence against offenders, to forfeit 10l. Mode of recovering penalty.

No persons obliged to give evidence until their charges of attendance be paid.

XIII. *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 Justices before whom the same shall be recovered: one half to the person or persons who shall inform and sue for the same, and the remaining half part to the Clerk of the Licences, to be by him accounted for and applied as herein after directed.

One half of the monies arising from forfeitures under this Act, to be paid to the persons informing and prosecuting for the same, and the other to the Clerk of the Licence.

XIV. *And be it further enacted*, That the Clerk of the Licences, for the County of Halifax, shall once every quarter render a just account of, and pay into the hands of the Treasurer of the Province, all such monies as shall be by him received, as well for the licence duties as for any fines and penalties incurred by this Act (first deducting thereout seven and a half per cent. for his trouble therein): to be applied, under the direction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for the repairs of the public roads in the town of Halifax, or within ten miles thereof. *Provided always*, That before it shall be lawful for the Treasurer of the Province to pay to any person or persons, whatsoever, any sum or sums of money, whatsoever, out of the monies hereafter to be received into the Treasury of this Province by virtue of this Act, the account or accounts of the expenditure of such money or monies shall be duly rendered on oath to the Justices of the Sessions for the County of Halifax, who, by and with the assistance of the Grand Jury of said County, are hereby authorised and impowered to audit and examine said accounts, and to certify to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, that it appears to such Justices and Grand Jury that such account or accounts are just and true, and that the amount of such account or accounts has been faithfully applied to the making or repairing the streets, roads or bridges, within ten miles of the said town of Halifax: which account, so certified, shall be annexed to the warrant for payment of the same. And the Clerks of the Licences, for the other Counties and Districts of this Province, shall also once every quarter render a just account, and pay into the hands of the respective Treasurers of such County or District, all monies and fines received by them by virtue of this Act (deducting thereout seven and a half per cent. as aforesaid): which monies are hereby appropriated, and shall be applied by the Justices of the several Counties or Districts of this Province, by and with the advice of the Grand Juries for such County or District, to the making, opening and repairing, the public roads, making or repairing bridges, or establishing ferries, throughout the several Counties or Districts within which such monies shall have been collected.

Clerk of the Licence for the county of Halifax, to account and pay money to the Treasurer of the Province. Commission allowed to the Clerk of Licences. Licence Duty, of the county of Halifax, to go to the repair of roads, within ten miles of Halifax.

Clerks of the Licences in other counties, to account in like manner to the county Treasurers, and the money to be applied by the Justices to repair the roads, &c. within the several counties and districts.

XV. *And be it further enacted*, That if any Clerk of the Licences, shall neglect to render such account, or to pay over the monies remaining in his hands, at the times, and in the manner aforesaid, he shall forfeit and pay to His Majesty, for every such neglect, double the sum he shall so retain, to be recovered, and applied to the several purposes, herein before appointed by this Act.

Penalty on clerk's neglecting to account & pay money.

XVI. *And be it further enacted*, That the Clerks of the Licences shall, and may, at such times and

Clerks of Licences to visit taverns, and to see this Act carried into execution; also to be sworn.

and periods as they shall see fit, visit the taverns, retail shops, and public rooms, of persons holding licences, to see that the several provisions of this Act are complied with, and shall and may, and are hereby required and commanded, to prosecute all offenders against this Act, and shall be sworn faithfully to carry this Act into execution, to the best of his or their power and ability, and to discharge honestly and justly, all the several duties herein and hereby imposed on him or them.

Persons interrupting Clerk to be punished.

XVII. *And be it further enacted*, That in case any person or persons keeping taverns, retail shops, or public rooms, or any person or persons being in or about such tavern, shop or room, at the time the Clerk of the Licence may be visiting the same, shall interrupt or assault the said Clerk while in the execution of this Act, the said person or persons shall be liable to be indicted, and, if convicted, fined or imprisoned for every such offence.

Governor to appoint Clerks of Licence at Halifax; in the other Counties to be appointed by the Sessions.

XVIII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint, during pleasure, the Clerk of the Licenses for the town and county of Halifax, and for the Grand Jury in the several other counties and districts in the Province, so often as the office of the Clerk of Licences, in such county or district, shall be vacant, to return to the Justices in their General Sessions, three fit and proper persons to fill such office, one of whom, the Justices in their said Sessions, shall appoint Clerk of the Licences for such county or district, during pleasure.

Tavern keepers not to sell merchandise.

XIX. *And be it further enacted*, That it shall not be lawful for any tavern-keeper within this Province, hereafter to sell, vend or expose to sale, in or about his, or her tavern, any goods, wares or merchandize whatsoever, other than the victuals and drink necessary to be used and consumed, and which are usually used and consumed in taverns, nor shall it be lawful for such tavern-keeper to suffer the same to be done; and any person or persons offending against the provisions contained in this clause, shall forfeit and pay the penalty of twenty pounds for each and every offence; to be recovered and applied in the manner herein last before mentioned.

On neglect of quarterly payments, Clerk to sue bond before a Justice.

XX. *And be it further enacted*, That so often as one quarter's payment for a tavern or a shop licence shall be due, and unpaid to the Clerk of the Licence ten days after the same shall be due, it shall and may be lawful for the Clerks of the Licence, to bring an action on such person's bond, against himself, or his or her surety or sureties, before any one of His Majesty's Justices of the Peace, for the amount of such quarter's licence duty, and such Justice shall give judgment for the same, and grant execution for such quarter's duty and costs against such debtor, and his or her surety or sureties.

Act to be read on first day of spring Sessions.

XXI. *And be it further enacted*, That this Act shall be publicly read by the Clerk of the Peace on the first day of the spring Sessions, in every county throughout this Province.

Continuation of Act. Continued by subsequent Acts to 31st Dec. 1805.

XXII. *And be it further enacted*, That this Act shall continue, and be in force, until the thirty first day of July, which will be in the year of our Lord one thousand eight hundred, and no longer.

CAP. XIV.

Expired.

An ACT for reviving, and continuing, the several Acts therein mentioned.

CAP. XV.

Expired.

An ACT to continue in force the several Acts therein mentioned.

CAP.

CAP. XVI.

An ACT to provide for the support of His Majesty's Government in this Province, by reviving, altering and continuing, the several Revenue Laws which were in force the last year, and which are herein particularly mentioned.

WHEREAS *the revenue provided for the support of His Majesty's Government in this Province the last year, has been found fully sufficient*, and whereas *the several laws which secured the said revenue to His Majesty, have been improvidently suffered to expire, whereby the administration of His Majesty's Government in this Province is much embarrassed and impeded, and great injury done, and likely to be done, to His Majesty's Subjects: it is therefore deemed expedient to revive said laws as expeditiously as possible, and to continue the same, with some small alteration, for another year:* Preamble.

WE, His Majesty's dutiful and loyal subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, most truly sensible of the inumerable blessings and advantages which we enjoy from the free and excellent Government under which we live, and unanimously determined, with our lives and fortunes, to support our beloved Sovereign and His Government, and to maintain and defend the British Constitution, under which alone true liberty can be enjoyed, do humbly beseech that it may be enacted:

I. *And be it enacted, by the Lieutenant-Governor, Council and Assembly*, That an Act, made in the twenty-ninth year of His Majesty's reign, entitled, An Act for the better support of the poor in the respective Counties within this Province, by laying an impost duty on all articles imported into this Province from the United States of America. Also, an Act, made in the thirty-second year of His Majesty's reign, entitled, An Act for the further increase of the revenue, by raising a duty of excise on all goods, wares and merchandise, imported into this Province. Also, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act for providing for the support of His Majesty's Government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-fourth year of His Majesty's reign, entitled, An Act to provide for the grammar school in Halifax, and for other public purposes therein mentioned. Also, an Act in amendment of an Act, made in the thirty-fourth year of His Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, amend, and render more effectual, an Act, passed in the same thirty-third year of His Majesty's reign, entitled, An Act for providing for the support of His Majesty's Government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned; and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, passed in the thirty-seventh year of His Majesty's reign entitled, An Act to amend, and continue for one year, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province: and the Act whereof the same is an amendment. Also, an Act, passed in the same year, entitled, An Act to revive, and continue, an Act, passed in the thirty-third year of the reign of His present Majesty, entitled, An Act in amendment of, and in addition to, an Act, made in the thirty-third year of the reign of His late Majesty, entitled, An Act for regulating and maintaining a light house on Sambro Island; and in addition to, and amendment of, an Act, passed in the twenty-eighth year of His present

Act for laying impost duty on articles imported from the United States of America.

Act for the further increase of the Revenue.

Act for providing for the support of the government, by laying an additional duty on wine, &c.

Act to provide for the Grammar School, at Halifax.

Act in amendment of Act, for granting duties on wine, for paying the interest and principal of the public debt; also, in amendment of Act for providing for the support of government, &c.

Act to amend an Act, passed in the 33d year of His Majesty's Reign, for granting to His Majesty certain duties on wine, rum, &c.

Act in amendment of Act, for maintaining light house on Sambro Island; also for

maintaining light house at the entrance of the harbour of Shelburne.
Also, Act enabling officers of the navy to obtain drawback on wines by them consumed, revived.

Majesty's reign, entitled, An Act for regulating and maintaining a light-house at the entrance of the harbour of Shelburne. Also, an Act, passed in the thirty-eighth year of His Majesty's reign, entitled, An Act to enable the officers of His Majesty's Navy to obtain a drawback of the duties on wines by them taken out of this Province, and consumed without the limits thereof: and all the several matters and clauses contained in the foregoing Acts, or either of them, shall be, and are hereby, revived, and declared to be in full force and virtue, and the same shall be continued to the period hereafter mentioned.

Purchasers of prize goods at public sale, and which are liable to duties, to give bond for the amount of the same.

II. *And be it further enacted, by the authority aforesaid,* That all articles which shall hereafter be brought into this Province under the denomination of prize goods, and are, by law, chargeable with duties, and which shall, upon adjudication, be condemned and sold at public sale, in all such cases it shall and may be lawful for the purchasers at such public sales to be considered the *bona fide* importers, who shall give the necessary bonds and securities required by law for the amount of duties arising upon such purchasers: any law, usage or custom, to the contrary notwithstanding.

AND WHEREAS *it is expedient that so much of the duties on fine and bohea teas laid by the Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act to provide for the support of His Majesty's Government, &c. should be suspended:*

Duties on Teas reduced.

III. *Be it therefore enacted,* That, in lieu of the duty of one penny per pound on bohea tea, and four pence per pound on all fine teas heretofore collected, it shall and may be lawful for the Collectors of Impost and Excise to levy, demand and receive, only five shillings per chest, and in like proportion for half and quarter chests, of bohea tea, and one penny per pound on all fine teas, to comprehend all such teas as may have been imported into this Province since the thirty-first day of March last past, the duties on which have either been paid or secured: any law, usage or custom, to the contrary notwithstanding.

No drawback allowed on the exportation of teas.

IV. *And be it further enacted,* That all drawbacks on teas, exported out of the Province since the thirty-first day of March last past, shall cease, and be no longer allowed.

Agents resident at Halifax, receiving consignments from merchants at out ports, of dutiable articles for sale, may receive drawbacks on the exportation thereof.

V. *And be it further enacted,* That whenever any merchant, or merchants, resident at the out ports of this Province, shall send or consign to his or their agent or agents at Halifax, any rum, sugar, molasses, wine, or other spirituous liquors, for sale, which have been actually imported by him or them, and on which the duties have been regularly paid or secured in such out-port, it shall and may be lawful for the agent or agents, to whom such article or articles shall be consigned, to export the same, and receive the drawback or drawbacks on the export thereof, in the name of the original importer. *Provided always,* That the quantity of said dutiable articles, so imported and sent coastways to Halifax, at one and the same time, shall amount to the full quantity on which a drawback is now allowed, and provided such article or articles shall be accompanied with a regular permit from such out-port, to shew that the several duties thereon have been paid or secured at such out-port, and also expressing the place from, the time when, and the vessel's name in which the same were imported, with the marks and numbers of such cask or package.

Act continued to 31st July, 1800.

VI. *And be it further enacted,* That this Act, and every clause, matter and thing, therein contained, and also in all and every of the above-mentioned Acts, and also in such Acts as have been made in explanation, amendment or alteration, of any or either of the said Acts, or for the purpose of reviving the same, shall be continued in force until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred, and no longer.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, in the Fortieth 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 Eighth GENERAL ASSEMBLY, convened in the ſaid Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Eſq. Chief Juſtice, and Preſident of Council; Richard John Uniacke, Eſq. Speaker of the Aſſembly; James Gautier, Secretary of Council; and James B. Francklin, Clerk of Aſſembly.

CAP. I.

An ACT in addition to, and amendment of, an Act, made and paſſed in the Firſt year of His preſent Majeſty's reign, entitled, An Act for the repairing and mending Highways, Roads, Bridges and Streets; and for appointing Surveyors of Highways within the ſeveral Townſhips of this Province.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That when and ſo often as any Commiſſioner, or Commiſſioners, for ſuperintending the making or repairing of roads and bridges, ſhall judge it neceſſary, for the convenience of the public, to make, alter or enlarge, any highway or road through the encloſed, and improved, lands or grounds of any perſon or perſons, before ſuch Commiſſioner, or Commiſſioners, ſhall proceed therein, he or they ſhall cauſe a plan of ſuch new road, or alteration, to be drawn out, and laid before two of His Majeſty's Juſtices of the Peace for the county or diſtrict within which ſuch new road, or alteration, is to be made; and ſuch Juſtices ſhall and may thereupon order the Clerk of the Peace, for the county or diſtrict, to ſummon a Special Seſſions of the Peace, to be held within ten days from the iſſuing of ſuch ſummons, and the ſaid two Juſtices ſhall lay the ſaid plan before the ſaid Seſſions for inſpection: and if the Juſtices then preſent at ſuch Seſſions, being three at the leaſt, or the major part of them, ſhall approve of ſuch new road, or alteration, they ſhall then and there order a precept to be iſſued to the Sheriff of ſuch county or diſtrict, or his deputy, directing him to ſummon a Jury of freeholders from one or more of the neighbouring townſhips, lying moſt convenient to the place where ſuch road, or alteration, is to be made, and ſuch Jury ſhall be compoſed of perſons having no intereſt in, or claim to, the lands through which ſuch road, or alteration, is to be made, and not of kin to any of the parties having an intereſt or claim to ſuch lands: and the ſaid Jury, being impannelled, ſhall be ſworn by the ſaid Sheriff, or his deputy, to view the lands through which the ſaid highway or road is to be made or altered, and to lay the ſame out in ſuch way as will be moſt advantageous to the public, and leaſt prejudicial to the owner of ſuch lands, and to aſſeſs ſuch damages

Mode of proceeding when it is neceſſary to make, or alter, a road through the improved lands of any perſons, that they may receive a fair compenſation for any injury or loſs.

damages to the owner or owners, and tenant or tenants, of ſuch lands, according to their ſeveral intereſts, as the ſaid Jury ſhall think reaſonable for the value of the lands and improvements made on ſuch lands to be taken into ſuch highway, as alſo for the expence to be impoſed upon the owner or tenant for making fences or ditches on the ſide of ſuch highway.

Owners of waſte or unimproved lands, through which a road is made, to be compenſated in like manner for damage ſuſtained.

II. *And be it further enacted*, That if it ſhould be found neceſſary to carry any ſuch new road through waſte and unimproved lands, and the owner, or proprietor thereof ſhall ſuffer, thereby, any ſpecial damage, he ſhall be entitled to have ſuch damage aſcertained, and be compenced therefor, in manner herein before directed, in the caſe of encloſed and improved lands.

Manner of eſtabliſhing ſaid road as the right of the public.

III. *And be it further enacted*, That the verdict of the ſaid Jury, ſhall be returned forthwith by the Sheriff, or his deputy, to the Clerk of the Peace for ſuch county, or diſtrict, who ſhall, thereupon, ſend notice to their reſpective owners, and tenants, of the nature, and courſe, of the road to be made, or altered, through their lands, and of the recompence awarded them by the Jury, and alſo of the day appointed by ſaid Court of Seſſions, to conſider of the ſaid verdict, and if on ſuch day no reaſonable cauſe be ſhewn to ſaid Court, why the ſaid verdict ſhould not be confirmed, the ſaid Court ſhall confirm, and record, the ſaid verdict, and the road, or highway, ſhall be made, or altered, accordingly, and thenceforth become a public road, or highway, for all His Majeſty's ſubjects.

Governor to draw on the Treaſury for the amount of compenſation to owners or tenants as alſo the fees to Sheriff and Jurors

IV. *And be it further enacted*, That it ſhall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant his Warrant upon the Treaſurer of the Province, in favour of the perſon or perſons who ſhall have obtained a verdict of a Jury in manner aforeſaid, for the ſums awarded, in recompence of any lands ſo required, and taken, for a public road, or highway; and alſo for ſo much money as ſhall be ſufficient to pay the lawful fees of the Sheriff, and the Jury, ſo employed about ſuch valuation.

Puniſhment of any owner, or tenant, of lands through which a road is to be made obſtructing perſons acting under this Act.

V. *And be it further enacted*, That if any owner, or tenant, of any lands, through which any road, or highway, ſhall be directed to be made or altered as aforeſaid, or any other perſon or perſons whatſoever, ſhall moleſt, interrupt, or diſturb, any ſuch Commiſſioner, or Commiſſioners, or any perſon or perſons employed by him, or them, in making, altering, or enlarging, any ſuch public road, or highway, after verdict given, and confirmed, for the ſame as aforeſaid, the perſon or perſons ſo offending, ſhall and may be proſecuted, and puniſhed for every ſuch offence, as and for a miſdemeanour.

Perſons ſummoned for the purpoſes of this Act, neglecting or refuſing to attend, to forfeit 20s.

VI. *And be it further enacted*, That if any of the Jury, duly ſummoned by the Sheriff, or his deputy, for the purpoſes aforeſaid, ſhall neglect to attend, or refuſe to be ſworn to perform the duties required by this Act, every ſuch Juror ſhall forfeit and pay for ſuch neglect or refuſal the ſum of twenty ſhillings: to be levied by warrant of diſtreſs and ſale of the offender's goods, on conviction of ſuch offence, before any two Magiſtrates of the county or diſtrict wherein the offender ſhall be reſident: And the Sheriff, or his deputy, ſhall ſummon others in the place of thoſe who may neglect to attend, until ſuch Jury ſhall be completed to the number of twelve.

CAP. II.

An ACT for altering and amending an Act, made in the thirty-ſecond year of the Reign of His late Majeſty, King George the ſecond, entitled, An Act for preventing Treſpaſſes.

Preamble.

WHEREAS *by an Act, made in the thirty-ſecond year of the Reign of His late Majeſty, King George the Second, it is enacted, that to all Farms, which are bounded on rivers, where the tide flows,*

flows, eight feet and upwards, at common tides, ſuch river, ſo far up, ſhall be deemed a ſufficient fence; and whereas the above recited part of ſaid Act, is found to produce many inconveniences to the owners of Farms bounded by rivers:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That ſuch rivers, creeks, bays, harbours and inlets, of the ſea only, ſhall be deemed ſufficient and lawful fences, as in the judgment of the fence viewers, of the townſhip or place where ſuch lands lie, ſhall be ſufficiently deep and inacceſſible to prevent the paſſing of cattle.

Rivers, & creeks, deemed lawful fences, as ſhall be ſufficiently deep to prevent the paſſing of cattle.

CAP. III.

An ACT in further addition to an Act for preventing Treſpaſſes.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That it ſhall and may be lawful for the Juſtices of the Peace in the General or Special Seſſions of the Peace at Halifax, when five Juſtices, at the leaſt, ſhall be attending, to make and publiſh from time to time, as they may judge neceſſary, ſuch regulations, reſpecting the places and manner of ſlaughtering cattle, as they may think beſt calculated to preſerve cleanlineſs, and prevent riſk or injury to the health of the inhabitants in the town and ſuburbs of Halifax, and alſo for the cleanſing of the ſtreets, and for diſpoſing of, and removing, heaps of dung, aſhes or offals, which may be laid therein, and ſuffered to remain, to the annoyance of the neighbourhood, or paſſengers, or to the incumbrance of the ſtreets thereof.

Juſtices in Seſſions, (five juſtices being preſent) to make regulations for the ſlaughtering of cattle, and cleanſing the ſtreets, &c. in the town of Halifax.

II. *And be it alſo enacted,* That all perſons, whether butchers, carmen, farmers, gardeners or others, who ſhall offend againſt ſuch regulations, after the ſame ſhall have been publiſhed in ſome or one of the newſpapers, or proclaimed by the town crier, as the ſaid Juſtices may direct, ſhall, for each and every offence, be liable to a fine not exceeding forty ſhillings: to be recovered before the General Seſſions, or any two Juſtices of the Peace for the County of Halifax, reſident at Halifax, and to be applied, by the ſaid General Seſſions, to the cleanſing the drains and guttersof the ſtreets and lanes thereof.

Perſons offending to forfeit 40s.

III. *And be it further enacted,* That all fines and forfeitures ariſing in the town of Halifax, from the breach of the fifteenth ſection of the Act for repairing and mending highways, roads, bridges and ſtreets, and for appointing Surveyors of Highways within the ſeveral townſhips in this Province, ſhall, in future, be applied to the cleanſing of the drains and gutters of the ſtreets and lanes of Halifax, and not to the ſupport of the poor; any thing in the ſaid Act to the contrary in any wiſe notwithſtanding.

Application of penalties.

CAP. IV.

An ACT to provide ſuitable places for the General Aſſembly, and King's Courts to ſit in, and for other public purpoſes.

WHEREAS *the term for which the Buildings belonging to the Honorable* Thomas Cochran, James Cochran *and* William Cochran, *of Halifax, Merchants, were hired by this Province, will expire on the thirtieth day of June next, and whereas it will be expedient to renew the leaſe of ſaid Buildings for a term of three years:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That it ſhall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief of this Province, by Warrant under his Hand and Seal, to appoint three or more fit and proper perſons, to act as Commiſſioners on the part of the Province; and the Commiſſioners ſo appointed, ſhall, and may,

Commiſſioners appointed to hire Meſſrs Cochrans' building, for the uſe of the General Aſſembly, King's Courts &c.

may, in the names of themſelves, their executors, and adminiſtrators, as truſtees for this Province, leaſe and hire from the ſaid Thomas Cochran, James Cochran, and William Cochran, all the buildings, tenements and premiſes, now uſed, occupied and held, on the part of the Province, for the General Aſſembly, the King's Courts, and other public purpoſes, for a term of three years certain, to commence, and be accounted on and from the firſt day of July next, and ſo on from year to year, ſo long as the Government ſhall have occaſion for the ſame; the continuance of the leaſe to end on Government giving the proprietors ſix months notice, previous to the end of any ſucceeding year, of the intention of giving up the premiſes; *Provided*, that the term of ſuch hire, ſhall not be extended to a period longer than ten years, at the yearly rent of three hundred pounds, to be paid out of the Treaſury of the Province, in half yearly payments.

Extent of leaſe.

Yearly rent, and times of payment.

II. *Provided always, and be it further enacted*, That nothing to be contained in ſuch leaſes ſhall make liable, or oblige the ſaid Province, to pay for any repairs of the ſaid building, or to repair or rebuild the ſame, in caſe they ſhall be conſumed or deſtroyed, or made untenantable by fire, or other accident or event whatſoever; unleſs the damage to be repaired has ariſen from the negligence of the occupants, or the miſuſe of the premiſes, nor ſhall the Province be obliged by ſuch leaſe to pay any rent in ſuch caſes, but the ſaid building ſhall be kept in good tenantable repair by the ſaid leſſors, at their own proper coſts and charges, and the rent ſhall ceaſe from the time the ſaid buildings are out of repair, or become untenantable, unleſs the ſame are repaired in a reaſonable time thereafter.

Leſſors to keep ſaid building in repair, &c

Governor to draw on the treaſury for the payment of rent.

III. *And be it further enacted*, That it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw, by warrant, on the treaſury, at the end and expiration of ſix calendar months from the ſaid firſt day of July next, for the ſaid half yearly rent of one hundred and fifty pounds, and ſo on for every half year then next enſuing, during the full term of ſaid leaſe: and the Province is hereby bound to provide for the punctual payment of ſuch warrants to the ſaid Thomas, James and William Cochran, their heirs and aſſigns accordingly.

CAP. V.

An ACT for the better regulating the manner of holding the Inferior Court of Common Pleas, and General Seſſions of the Peace, in the County of Annapolis.

Preamble.

WHEREAS *from the extent of the County of Annapolis, it is found inconvenient for the inhabitants of the weſtern part of the ſaid County, to attend at the times and places, when, and where the inferior Court of Common Pleas, and General Seſſions of the Peace, are now held for the ſaid County; for remedy whereof:*

Times of holding Inferior Court at Annapolis, and Digby.

I. *Be it enacted by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the publication hereof, the Inferior Court of Common Pleas, and General Seſſions of the Peace for ſaid County, ſhall be held four times in each and every year, that is to ſay, in the town of Annapolis, on the firſt Tueſday of April, and on the firſt Tueſday of November; and in the Town Plot of Digby, on the third Tueſday of June, and the third Tueſday of December.

Inhabitants of the eaſtern part of Digby, excuſed from ſerving as jurors in ſaid Court; as alſo the inhabitants of the weſtern part of Annapolis, from ſerving in ſaid Court.

II. *And be it further enacted*, That it ſhall and may be lawful for the Juſtices of the ſaid Court of Common Pleas, and Seſſions of the Peace, to excuſe the inhabitants of the eaſtern part of ſaid County, from being drawn as Grand or Petit Jurors, to ſerve at the ſaid Courts, to be held at Digby, as aforeſaid; and ſo in like manner to excuſe the inhabitants in the weſtern part of ſaid county, from being drawn as Grand or Petit Jurors, to ſerve at the ſaid Courts, to be held at Annapolis, as aforeſaid.

III.

III. *And be it alſo further enacted*, That the preſentation of money, hereafter to be aſſeſſed, or appropriated, within the ſaid County, by the Grand Jury thereof, ſhall be made by the Grand Jurors of the ſaid County, to the Juſtices of the Supreme Court, at their annual Seſſions in the ſaid County. Mode of regulating the preſentations of money in ſaid county.

CAP. VI.

An ACT to amend, and render more effectual, an Act made and paſſed in the thirty-ninth year of His preſent Majeſty's Reign, entitled, An Act for the ſale of the Glebe Land in the Townſhip of of Granville, and for purchaſing another Eſtate, as a perpetual Glebe for the reſident Miniſter of the Eſtabliſhed Church in ſaid Townſhip.

WHEREAS *the day appointed for the choice of the Church-Wardens and Veſtry in the Pariſh of Granville, happened in the laſt year to fall on a Sunday, and the Pariſhioners not thinking it lawful to elect the Pariſh Officers on that day, the purpoſes intended by ſaid Act, have been prevented from being carried into execution, for want of the proper officers to give effect thereto; for remedy whereof*: Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That the ſale or agreement, for the ſale of the Glebe Land in the Townſhip of Granville, made by the Reverend Archibald Paine Inglis, in the month of November laſt, to and with George Worceſter, for the ſum of two hundred and ninety one pounds, lawful money of this Province, be confirmed, and the ſame is hereby declared to be valid, and effectual: and the Rev. Archibald Paine Inglis, Thomas Millidge, Edward Thorne and Benjamin Dodge, are hereby nominated, appointed, and authoriſed, to make, in their own names, and to ſeal and deliver to the ſaid George Worceſter, a deed of conveyance of the ſaid glebe lands, which deed, ſo made and executed, ſhall be good and ſufficient to paſs, and convey, the ſaid glebe lands, in *fee ſimple*, to the ſaid George Worceſter, and ſhall veſt the ſame in him, his heirs and aſſigns forever, any thing contained in the ſaid before mentioned Act to the contrary notwithſtanding. *Provided always*, that before ſuch deed ſhall be ſo made, and executed, the ſaid George Worceſter ſhall pay the ſaid ſum of two hundred and ninety one pounds, or otherwiſe, ſhall give ſufficient ſurety to the ſaid Archibald Paine Inglis, Thomas Millidge, Edward Thorne, and Benjamin Dodge, to make payment of the ſaid ſum on the days, and at the times, mentioned in ſaid ſale, or agreement for ſale, ſo made as aforeſaid. Sale of Glebe Land to George Worceſter, for 291l. confirmed.

II. *And be it further enacted*, That the pariſhioners and inhabitants of ſaid Townſhip of Granville, who are by law obliged to contribute towards the ſupport of the Church of England in ſaid Townſhip, ſhall meet at the middle Church in Granville on the firſt Monday of May next, for the purpoſe of chooſing Church Wardens, Veſtrymen, and other pariſh officers for ſaid Townſhip, of which meeting due notice ſhall be given by the Miniſters in ſaid Townſhip at their reſpective Churches on the Sunday preceding the ſaid firſt Monday in May. And the Church Wardens and Veſtry ſo choſen, ſhall and may, in their corporate capacity, purchaſe from Benjamin James, Eſquire, lot, number fifty-ſeven, in ſaid Townſhip, and ſhall take and receive from him a deed thereof in manner directed and preſcribed by the Act hereby amended. And the ſaid Church Wardens, Veſtrymen and other pariſh officers, ſhall continue in office until next Michaelmas day, and no longer. And the Church Wardens, Veſtrymen and other pariſh officers, ſhall thereafter be choſen annually on Michaelmas day, in manner directed by the Act made and paſſed in the thirty-ſecond year of his late Majeſty's reign, entitled, "An Act for the "Eſtabliſhment of Religious public Worſhip." Inhabitants of Granville to appoint Churchwardens & Veſtrymen, who are to purchaſe in their corporate capacity, from Benjamin James Eſq. Lot No. 57, in ſaid Townſhip, and receive a deed thereof.

Churchwardens and Veſtrymen, to be choſen, annually, on Michaelmas day.

Michaelmas day happening on a Sunday, choice to be made the following day.

III. *And be it further enacted*, That whenever it ſhall happen that Michaelmas day in any year, ſhall fall upon a Sunday, it ſhall be lawful for the Miniſter of any Pariſh in this Province to adjourn ſuch pariſh meeting to the following day, on which day the ſaid pariſhioners ſhall and may proceed to the choice of pariſh officers as aforeſaid. And of every ſuch adjournment the ſeveral Miniſters ſhall give due notice in their reſpective Churches.

CAP. VII.

An ACT for providing Pounds in the ſeveral Townſhips in this Province.

Grand Juries in the ſeveral counties and diſtricts, in Seſſion to preſent the number of Pounds requiſite in each townſhip, and Juſtices to appoint one of their own bench to ſee them made.

BE *it enacted, by the Lieutenant Governor, Council and Aſſembly*, That it ſhall and may be lawful for the Grand Juries in each of the ſeveral counties and diſtricts in this Province at the General Seſſions of the Peace, held for ſuch county or diſtrict, to preſent from time to time the number of Pounds that may be neceſſary for each townſhip or ſettlement in ſuch county or diſtrict, ſpecifying, if need be, the particular diviſion of ſuch townſhip or ſettlement within which ſuch Pound or Pounds ſhall be erected; and for every Pound, ſo to be preſented, the ſaid Juſtices ſhall nominate one fit perſon, who ſhall be Commiſſioner for the receiving propoſals for the building of ſuch Pound or Pounds, and for ſuperintending and directing the ſame, and all ſuch propoſals ſhall be laid by every ſuch Commiſſioner before the ſaid Juſtices at their next enſuing Seſſions; and, being approved of by them, and the ſcite of ſuch Pound being then and there determined upon, the ſaid Commiſſioner ſhall proceed to enter into contracts for the erecting ſuch Pound accordingly; and every ſuch Commiſſioner ſhall continue in office until the Pound, committed to his ſuperintendance, ſhall be built, and ſhall be reported to the Court of Seſſions of the Peace, and approved of by them, as completed according to contract.

On the neglect of Grand Juries to preſent the ſums neceſſary for that purpoſe, Juſtices authoriſed to do it.

II. *And be it further enacted*, That if the Grand Juries for the reſpective counties and diſtricts in this Province, ſhall neglect to preſent to the ſaid Juſtices at their ſaid Seſſions, the ſums of money neceſſary to be raiſed and paid by the inhabitants of the reſpective townſhips for the building or repairing of ſuch Pounds, it ſhall and may be lawful for the ſaid Juſtices to amerce the inhabitants of the townſhip in which ſuch Pound or Pounds is or are to be built and repaired, in ſuch ſums of money as ſhall be found neceſſary for the purpoſes aforeſaid; and all ſums to be raiſed by any ſuch preſentment or amercement, ſhall be aſſeſſed on the inhabitants of ſuch townſhip in a juſt and equal manner by the ſworn aſſeſſors, who ſhall from time to time be appointed to aſſeſs the county rates of ſuch townſhip; and ſuch aſſeſſment ſhall be collected by the perſons appointed to collect other town or county charges within the ſame limits, and ſhall be paid into the hands of the county or diſtrict Treaſurer, and applied ſolely to the uſes for which ſuch money ſhall have been raiſed.

AND WHEREAS *doubts have ariſen whether the juriſdiction of the Juſtices of the Peace in ſmall treſpaſſes committed by horſes and cattle, and in caſes of replevin, where the damage committed does not exceed the value of three pounds, has not been taken away by an Act of the General Aſſembly, made in the thirtieth year of His preſent Majeſty's reign:*

Juſtices of Peace in the Counties and Diſtricts of this Province, to have juriſdiction in treſpaſſes, when the damage does not exceed three pounds.

III. *Be it therefore enacted*, That the Juſtices of the Peace for the ſeveral counties and diſtricts of this Province, ſhall have juriſdiction within their reſpective counties and diſtricts, over cauſes of treſpaſs, and replevins for treſpaſſes, committed by horſes, ſheep, goats, ſwine or neat cattle, where the damage ſhall not exceed three pounds, and where the title to any lands, tenements or hereditaments ſhall in no wiſe be involved, or come in queſtion, and ſhall proceed therein in manner preſcribed by the firſt ſection of an Act, made in the thirty-ſecond year of His late Majeſty's reign, entitled, "An Act for preventing treſpaſſes," and alſo by an Act, made in the twenty

twenty-fourth year of His preſent Majeſty's reign, in amendment of the ſaid laſt mentioned Act."

Penalty on horſes breaking into encloſures extended throughout the Province.

IV. *And be it further enacted*, That the eleventh ſection of the ſaid Act for preventing treſpaſſes, by which a penalty of ten ſhillings is impoſed upon the owner of any horſe breaking into any incloſure, lawfully fenced, within the peninſula of Halifax, ſhall be, and is hereby, extended throughout the County of Halifax, and throughout every county and diſtrict in this Province.

Act 19th Geo. 3d for providing pounds, repealed.

V. *And be it further enacted*, That the Act, made in the nineteenth year of His preſent Majeſty's reign, entitled, "An Act for providing Pounds in the ſeveral townſhips of this Province," ſhall be, and the ſame is hereby, repealed.

CAP. VIII.

An ACT to alter, amend, and continue, an Act, made and paſſed in the thirty-ſecond year of His Majeſty's Reign, entitled, An Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province.

Preamble.

WHEREAS *it is found expedient to exempt certain articles herein after enumerated, from the duties impoſed on them by the ſaid recited Act; and to make certain other articles herein after alſo enumerated, ſubject to the duties impoſed by the ſaid Act, inſtead of the higher duties, to which they are now liable by virtue of other Revenue Acts of this Province:*

Unwrought iron, anchors, ſail cloth, &c. exempt from exciſe duty.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly*, That all unwrought iron, anchors, grapnels, ſail cloth, cordage, hemp, twine, lines, and fiſh hooks, which, from and after the thirty-firſt day of July next, ſhall be imported into this Province, ſhall be free and exempt from any duty or exciſe whatſoever.

Porter, ale, loaf ſugar, and gun powder, ſubject to Exciſe duty.

II. *And be it further enacted*, That all porter, ale, loaf ſugar, and gun powder, which ſhall remain on hand, in this Province, on the thirty-firſt day of July next, or which ſhall thereafter be imported into this Province, ſhall be ſubject to the exciſe duties impoſed by the ſaid Act, and ſuch duties ſhall be raiſed collected and paid, in the manner, and ſubject to the penalties and forfeitures, preſcribed by the ſaid recited Act.

Continued to the preſent time.

III. *And be it further enacted*, That this Act, and every clauſe and thing therein contained, and alſo the Act hereby altered and amended, ſhall be, and continue, in force until the thirty firſt day of July, which will be in the year of our Lord one thouſand eight hundred and one, and no longer.

CAP. IX.

Expired.

An ACT to continue an Act, paſſed in the Thirty-ſeventh year of His preſent Majeſty's reign, entitled, an Act to revive, and continue an Act, paſſed in the Thirty-third year of the Reign of His preſent Majeſty, entitled, an Act in amendment of, and addition to, an Act, made in the Thirty-third year of the reign of His late Majeſty, entitled, an Act for regulating, and maintaining, a Light Houſe on Sambro Iſland, and in addition to, and amendment of, an Act, paſſed in the Twenty-eighth year of His preſent Majeſty's Reign, entitled, an Act for regulating, and maintaining, a Light Houſe at the entrance of the Harbour of Shelburne.

CAP. X.

Expired.

An ACT to continue an Act, made and paſſed in the Thirty-fourth year of His preſent Majeſty's reign, entitled, an Act to provide for the Support of the Grammar School in Halifax, and for other public purpoſes therein contained.

CAP. XI.

An ACT to alter, amend, and continue in force, ſeveral Revenue Laws, for granting to His Majeſty certain Duties on Wine, Rum, and other Diſtilled Spirituous Liquors, Brown Sugar, and other articles therein mentioned; and for enabling the Officers of His Majeſty's Navy to obtain a Drawback of the Duties on Wines carried, and conſumed, by them out of the limits of the Province.

Preamble.

WHEREAS *the ſeveral Revenue Acts of this Province, herein after mentioned, which, by experience, have been found productive and beneficial, will expire on the thirty-firſt day of July next:* and whereas *the great loſſes which the merchants of the Province have ſuſtained during the war, and the deranged ſtate of the commerce and fiſheries, require that the duties heretofore impoſed on wine, rum, and other articles herein after mentioned, ſhould be reduced from and after the thirty-firſt day of July next:*

Duties on wine, rum, &c. reduced.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That, inſtead of the duties of ſix pence per gallon upon wines, and ſix pence per gallon upon rum, and all other diſtilled ſpirituous liquors, impoſed by the Act made in the thirty-third year of his preſent Majeſty's Reign, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying the intereſt, and reducing the principal, of the public debt of this Province, there ſhall be paid for, and upon all wines, which on the ſaid 31ſt day of July ſhall remain on hand in this Province, or which ſhall thereafter be imported into, or made within, the Province, the ſum of two pence per gallon, to be paid by the importer, or manufacturer, of ſuch wines, and for and upon all rum, and other diſtilled ſpirituous liquors, which on the ſaid thirty-firſt day of July ſhall remain on

on hand, or be thereafter imported into, or made within, the Province, the ſum of two pence per gallon, to be paid by the importer or manufacturer thereof.

Perſons holding ſtock of the above, which has been regularly imported, and the duties paid, entitled to a drawback of the difference of duties.

II. *And be it further enacted*, That all importers or manufacturers who, on the thirty-firſt day of July next, ſhall hold any ſtock of wine, rum, and other diſtilled ſpirituous liquors, upon which they ſhall have paid or ſecured the rates and duties impoſed on them by the laſt before recited Act, ſhall be entitled to a credit upon their ſecurities, or to receive a drawback to the amount of the difference between the duties impoſed by the ſaid Act, and the leſſer duties impoſed by this Act, for all the wine, rum, and other diſtilled ſpirituous liquors, actually remaining in the hands of ſuch importer or manufacturer on the ſaid thirty-firſt day of July next.

Such wine, rum, &c. to be guaged and certified by a ſworn Guager, and an invoice to be made out by the owner thereof, who muſt take the following affidavit, before drawback allowed.

III. *Provided always, and be it further enacted*, That before any credit ſhall be indorſed upon ſuch ſecurities, or any ſuch duties repaid, the wine, rum, and other diſtilled ſpirituous liquors, remaining, on the ſaid thirty-firſt day of July, in the hands of every ſuch importer or manufacturer, ſhall be examined, guaged and certified, by a ſworn guager, and an invoice thereof made out by ſuch importer or manufacturer, correſponding with the contents ſo aſcertained by ſuch guager, and ſpecifying the amount of the duties claimed to be thereon allowed by virtue of this Act. And ſuch importer or manufacturer ſhall take and ſubſcribe, before the Collector or Collectors, of Impoſt and Exciſe, the following affidavit, which ſhall be annexed to the ſame invoice, viz.

Form of affidavit.

I A. B. do ſwear, that the annexed invoice contains a juſt and true account of the wine, rum, and other diſtilled ſpirituous liquors, remaining, *bona fide*, in my hands, on the thirty-firſt day of July, one thouſand eight hundred, and that I am juſtly entitled to a return, or drawback, of the duties ſpecified in ſaid invoice, amounting to being the difference between the duties already actually paid, or ſecured, by me on the very ſame wine, rum, and other diſtilled ſpirituous liquors, and the leſſer duties ſubſtituted and impoſed inſtead thereof, by an Act made in the fortieth year of His preſent Majeſty's reign, entitled, An Act to alter, amend, and continue in force, ſeveral revenue laws, for granting to His Majeſty certain duties on wine, rum, and other diſtilled ſpirituous liquors, brown ſugar, and other articles therein mentioned, and for enabling the officers of His Majeſty's Navy to obtain a drawback of the duties on wines, carried and conſumed by them out of the limits of the Province.

And I do further ſwear, that the ſaid rum, ſpirits, or wine, mentioned in ſaid invoice, is of the ſame proof, and ſtrength, as when imported, or manufactured, by me, and has not been reduced, or adulterated, by any mixture of water, or other weak liquor, to my knowledge or belief. So help me God.

Payment of the drawback.

IV. *And be it further enacted*, That when, and as ſoon as any importer or manufacturer, ſhall have rendered to the Collector, or Collectors, of Impoſt and Exciſe, the invoice of the wine, rum, and ſpirituous liquors, remaining in his hands on the thirty-firſt day of July next, correſponding with the Guager's certificate, and ſhall have taken, and ſubſcribed the oath thereto, in manner aforeſaid, it ſhall be lawful for the ſaid Collector, or Collectors, after duly examining the ſaid invoices, and comparing the ſame with the ſtock, which by the books of ſuch Collector, or Collectors, ſhould then remain in the hands of ſuch importer, or manufacturer, to give a credit upon the bonds, or ſecurities, of ſuch importer or manufacturer, for the amount of the duties ſecured upon ſuch wine, rum, or other diſtilled ſpirituous liquors; and if the rates and duties ſo to be allowed, ſhall exceed the ſums due upon the ſecurities of ſuch importer, or manufacturer, ſuch Collector, or Collectors, ſhall grant a certificate for the amount of the credit ſo exceeding ſuch ſecurities, and upon ſuch certificate it ſhall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, by his Warrant, to cauſe ſuch amount to be paid to ſuch importer, or manufacturer, out of the treaſury of this Province.

Collectors of Impost authorised, and obliged, to administer the oath.

V. *And be it further enacted*, That all and every the Collector, or Collectors, of Impost and Excise, shall be, and they are hereby, authorised to administer the oath, by this Act appointed to be taken and made; and that if any such Collector, or Collectors, shall omit to administer, or shall in any wise dispense with the said oath, such Collector, or Collectors, shall forfeit and pay the sum of one hundred pounds, for each and every neglect; and if any person or persons shall make oath to any false invoice, or shall falsely swear to any matter or thing hereby required to be verified on oath, before such Collector, or Collectors, the person or persons so offending, shall be deemed guilty of corrupt and wilful perjury, and shall, on conviction thereof, be liable to, and suffer, all the pains and penalties, by law inflicted on persons guilty of corrupt and wilful perjury.

Punishment of such as make a false affidavit.

Duties payable by this Act, to be collected under the Act of 33d year, Geo. 3d.

VI. *And be it further enacted*, That the rates and duties hereby substituted, and imposed, upon wine, rum, and other distilled spirituous liquors, instead of the former rates and duties imposed by the aforesaid Act, made in the thirty-third year of His present Majesty's reign, shall be raised, collected, and paid to His Majesty, His heirs, and successors, by the ways, means, methods, rules, provisions and directions, and under the penalties, and forfeitures, prescribed, and expressed in, and by, the said last mentioned Act.

And whereas it is expedient to lessen the duties on porter, ale, loaf-sugar, and gun-powder:

Porter, ale, loaf sugar, and gun powder, exempt from the duties, imposed by Act 33d Geo. 3d. for providing for the support of government, &c.

VII. *Be it therefore enacted*, That all porter, ale, loaf-sugar, and gun-powder, which shall be imported into this Province, from and after the thirty-first day of July next, shall be exempt from the rates and duties imposed upon the said articles, in and by the Act made in the thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles herein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province.

Drawback of the difference of the duties on said articles which may be remaining in the hands of the importer.

VIII. *And be it further enacted*, That upon all porter, ale, loaf-sugar, and gun-powder, which shall be upon hand, and in the possession of any original importer thereof, on the thirty-first day of July next; such importer shall be entitled to a drawback of the duties theretofore paid, or secured; deducting thereout the excise duties imposed on the said articles, in and by an Act made and passed in this present Session of the General Assembly. *Provided*, the duties to be drawn back by any one importer of the said articles, shall exceed the net sum of five pounds, such drawback to be allowed and obtained in the manner herein before mentioned.

Revenue Acts, 33d Geo. 3d.

IX. *And be it further enacted*, That this Act, and also the said Act, made in the thirty-third year of His Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province, as the same is hereby altered and amended. Also, an Act, made in the thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-fourth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, amend, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-fifth year of His Majesty's Reign, entitled, An Act in amendment of an Act, made

made in the thirty-fourth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-sixth year of His present Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act made in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty, certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying off the interest, and reducing the principal, of the public debt of this Province, and of the several Acts made in addition to, or amendment thereof. Also, an Act, passed in the thirty-seventh year of His present Majesty's reign, entitled, An Act to amend, and continue, for one year, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province. Also, an Act passed in the thirty-eighth year of His present Majesty's reign, entitled, An Act to enable the officers of His Majesty's navy to obtain a drawback of the duties on wines, by them taken out of this Province, and consumed without the limits thereof. And also the second, third, fourth, and fifth clauses of an Act, passed in the thirty ninth year of His present Majesty's reign, entitled, An Act to provide for the support of His Majesty's government in this Province, by reviving, altering and continuing, the several revenue laws which were in force the last year, and which are herein particularly mentioned: and every matter, clause and thing contained in all, and every, of the above mentioned Acts, and also in such Acts as have been made in explanation, amendment, or alteration, of any, or either, of said Acts, shall be continued in force until the thirty first day of July, which will be in the year of our Lord one thousand eight hundred and one, and no longer.

35th Geo. 3d. in amendment of Act 34th Geo. 3d.

36th Geo. 3d. in addition and amendment, of 33d Geo 3d.

37th of Geo. 3d in amendment of Act 33d Geo. 3d.

38th Geo. 3d. allowing drawback to the officers of the navy, on wines, consumed by them.

Also 2d, 3d, 4th and 5th clauses of Acts 39th Geo. 3d, continued in force to 31st July, 1800.

Continued to the present time.

CAP. XII.

An ACT to continue an Act, made and passed in the Twenty-ninth year of His present Majesty's reign, entitled, An Act for the better support of the Poor in the respective Counties within this Province, by laying an Impost Duty on articles imported into this Province from the United States of America.

Expired.

CAP. XIII.

An ACT to revive, and continue, an Act, made in the Thirty-eighth year of His present Majesty's reign, entitled, An Act to amend, and render more effectual, an Act, passed in the Eighteenth year of His present Majesty's reign, entitled, An Act to prevent the forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax.

Expired.

CAP. XIV.

An ACT to continue, and amend, an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue, to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of spirituous liquors, and for regulating such Public Houses and Shops.

Act herein recited to continue in force to 1st July, 1801.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Act, entitled, "An Act for raising a revenue to repair the roads throughout the Province, by laying a duty on persons hereafter to be licensed to keep public houses, or shops, for the retail of spirituous liquors, and for regulating such public houses and shops," shall continue in force until the first day of July, which will be in the year of our Lord one thousand eight hundred and one.

Persons having a tavern, or shop licence, may be licenced to vend goods in their taverns, or to suffer wine, rum, &c. to be drank in their shops, upon the recommendation of the Grand Jury, and the payment of 10s. per annum.

I. *Provided always, and be it further enacted, by the authority aforesaid*, That, notwithstanding any thing in the said Act to the contrary, it shall and may be lawful for any person, or persons, who now have, or hereafter shall have, a tavern, or shop, licence for the sale of wine, ale, beer, cyder, perry, rum, or other distilled spirituous liquors, to make application, if they shall see fit, to the Grand Juries of the respective counties and districts in this Province, to recommend such person or persons to the Justices of the Peace, for licence to vend goods, wares and merchandise, in his or their tavern, or to suffer wine, ale, beer, cyder, perry, rum, or other distilled spirituous liquors, to be drank in his or their shop; and persons obtaining such recommendation from the Grand Juries, and being approved of by the said Justices at their General or Quarter Sessions of the Peace, as fit and proper persons to be so entrusted, shall be licensed accordingly, and shall have such licence specified and inserted in his or their tavern or shop licence: and shall, thereupon, pay an additional duty of ten shillings per annum, to be paid, collected and applied, as the other duties imposed by the said Act; and all and every person and persons, who shall obtain such further licence as aforesaid, shall cause a fair copy of such licence to be pasted up, and to remain, in some conspicuous part of his or their tavern or shop, exposed to the view of all persons frequenting such tavern or shop.

CAP. XV.

An ACT in amendment of an Act, passed in the Thirty-fifth year of His present Majesty's reign, entitled, An Act to amend, and reduce into one Act, the several Acts, made by the General Assembly, relating to the Office of Sheriff, and also for altering the Form of the Summons heretofore used.

Preamble.

WHEREAS *the fees allowed to be taken by the several Sheriffs in this Province, are found to be inadequate to the duty of said office, therefore:*

Regulation of the Sheriffs' fees.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the fees hereafter to be allowed and taken by the several Sheriffs, for their services to be done and performed in the said office, shall be as follows:

Serving summons, or *Scire facias*.

Serving every summons, or *Scire Facias*, and making return thereof, five shillings.

Serving

Serving writ of poſſeſſion, twenty ſhillings: travel, four pence per mile, for every mile from the place of reſidence of the Sheriff, to the place where he ſhall ſerve any writ; and two pence per mile, and no more, for every mile from the place of reſidence of the Sheriff to the court houſe, where ſuch writ is returnable; *provided* ſuch Court be out of his bailwick, and not otherwiſe.

Serving writ of poſſeſſion.

For taking of bail, and drawing bail bond, in all caſes when the ſum, indorſed on the writ, ſhall be under the ſum of twenty-five pounds, five ſhillings; and in all caſes where the ſum, endorſed, ſhall exceed twenty-five pounds, ſeven ſhillings and ſix pence,

For taking bail, and drawing bond.

Summoning Jury, in each cauſe, when the cauſe ſhall be tried, and attending ſuch trial, five ſhillings.

Summoning jury

On execution, or attachment, when a ſale ſhall take place, extended on perſonal propery, ſale, and payment of the monies received to the plaintiff or his attorney, as follows, viz.

For any ſum not exceeding one hundred pounds, one ſhilling in the pound; and all above one hundred pounds, ſix pence in the pound.

On execution, or attachment when a ſale takes place, as following:— Sums not exceeding 100l. one ſhilling in the pound.

On execution extended on real eſtates, three pence in the pound, on the appraiſed value for laying the ſame thereon; and for the ſale of ſuch real eſtate, and payment of the proceeds of ſuch ſale to the plaintiff or his attorney, the further fee of three pence in the pound.

On execution on real eſtate, 3d in the pound, and 3d more on the ſale of the ſame.

For ſummoning a Jury to lay out a new road, ten ſhillings, and two ſhillings and ſix pence per day for himſelf, and each Juror, for every day they ſhall be actually employed in laying out ſuch road, and three pence per mile for the Sheriff, and the ſame for each Juror, for every mile they may neceſſarily travel about ſuch ſervice.

Summoning Jury to lay out a road.

II. *And be it alſo enacted*, That the diſtrict of Yarmouth, the diſtrict of Colcheſter, and the diſtrict of Pictou, are, with reſpect to the fees for travel of writs iſſuing out of the Supreme Court, or the Court of Common Pleas, held in the towns of Shelburne or of Halifax, to be conſidered as ſeparate and diſtinct from the County of Halifax and Shelburne, and the Sheriffs of the County of Shelburne, and the County of Halifax, are to receive only ſuch fees for writs ſerved in the ſaid diſtricts, as they would be entitled to receive in caſe the ſaid diſtricts were out of their bailwicks.

Sheriff's Fees of Yarmouth, Colcheſter & Pictou, with reſpect to fees for travel, not in this Act.

III. *And be it further enacted*, That this Act, and the ſeveral matters and things therein contained, ſhall be, and continue, in full force, until the firſt day of July, which will be in the year of our Lord one thouſand eight hundred and one, and no longer.

Continued to the preſent time.

CAP. XVI.

An ACT to continue in force the ſeveral Acts therein mentioned.

Expired.

CAP. XVII.

An ACT for applying certain monies, therein mentioned, for the ſervice of the year of our Lord one thouſand eight hundred; and for appropriating ſuch part of the Supplies, granted in this ſeſſion of the General Aſſembly, as are not already appropriated by the Laws or Acts of the Province.

Expired.

CAP.

CAP. XVIII.

An ACT in further addition to, and for altering and amending an Act, paſſed in the Thirty-fifth year of His preſent Majeſty's reign, entitled, An Act to amend, and reduce into one Act, the ſeveral Laws, now in being, relating to a Militia in this Province.

Any regiment, or detachment of His Majeſty's troops, marching from one diſtrict to another, to be quartered & billeted, as preſcribed by the Act for billeting Militia.

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That when any regiment, or detachment, of His Majeſty's troops, ſhall be ordered to march from one diſtrict, or place, in this Province, to another, it ſhall and may be lawful for the Juſtices of the Peace, inhabiting in, or near, any town or place, into, or through, which ſaid regiment, or detachment, ſhall march, or paſs, to quarter, and billet, the officers and ſoldiers of ſuch regiment, or detachment, in the ſame way, and manner, and in the ſame inns, taverns and houſes, as preſcribed by the ſaid Act, for billeting the officers and ſoldiers of the militia in the like caſes; and all perſons upon whom any ſuch officers and ſoldiers ſhall be quartered, ſhall, and they are hereby required, to furniſh the officers and ſoldiers, ſo billeted upon them, with lodging and proviſions, in manner preſcribed by the ſaid Act for militia officers and ſoldiers, and to take from the officer commanding each regiment, or detachment, ſo quartered, and billeted, receipts, or certificates, of the number of meals furniſhed by ſuch perſons reſpectively to ſuch regiment, or detachment, in order that the ſame may be applied for, and paid by the officer commanding the detachment, or party, or by the perſon or perſons who may be appointed by the Commander in Chief for payment thereof.

Price of a ſoldier's dinner nine pence, and a breakfaſt or ſupper, one third leſs.

II. *And be it further enacted*, That the price of a dinner, of good wholeſome victuals, ſhall be at the rate of nine pence, and a breakfaſt, and a ſupper, one third leſs; ſuch dinner to conſiſt of good meat, bread, and vegetables, and breakfaſt, and ſupper, to be ſuch as is uſually given to farmers' ſervants in the country.

Price of a dinner allowed to ſoldiers when on a march to change quarters.

III. *And be it further enacted*, That whenever a rout ſhall be granted by the Governor, Lieutenant-Governor, or Commander in Chief, for the march of any body of His Majeſty's regular troops, who are to be removed from one garriſon, or poſt, to another, within the Province, it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw, by warrant, on the treaſury ſo much money as ſhall be ſufficient to pay the full price of the ſoldiers' dinner, to be eſtimated at the rate aforeſaid for each ſoldier every day he ſhall be on ſuch march. *Provided*, That the ſum to be drawn for in one year for ſuch ſervice, ſhall on no account exceed the ſum of five hundred pounds: the payment to be made agreeable to ſuch regulations, and certificates, as the Governor, Lieutenant-Governor, or Commander in Chief, ſhall, from time to time, make, touching the premiſes; ſuch regulation, and the forms of ſuch certificates, to be delivered, with the ſaid rout, to the commanding-officer of the party to be removed.

Rate of payment for horſes, carts and waggons, employed to convey the baggage of the troops.

IV. *And be it further enacted*, That it ſhall and may be lawful for any two of His Majeſty's Juſtices of the Peace for the county, where any march of His Majeſty's troops is to commence, or for the county through, or to, which any ſuch march is to be continued, upon the application of the commanding-officer of ſuch troops, and a rout ſigned by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to order a ſuitable number of horſes, carts and waggons, to be furniſhed, for conveying, upon ſuch rout, the baggage of ſuch troops, and to determine what perſons ſhall provide the ſame, and the perſon or perſons who ſhall accordingly carry and convey any ſuch baggage, ſhall be entitled to receive payment for the ſame at the rate of one ſhilling per mile for the hire of one horſe and cart, with one ſuitable driver, to carry a load, not exceeding five groce hundred weight, for a diſtance not to exceed twenty miles, and for every additional horſe or horſes, to be added to the draught of ſuch cart, nine pence

pence more per mile for each horse. *Provided*, The additional load to be carried shall not exceed five groce hundred weight for each additional horse. And if any such waggons or carts, so employed to carry any baggage as aforesaid, shall be required and ordered by the commanding officer of any detachment of such troops to halt at any particular stages or places, and for that cause shall be delayed in their rout, such detention shall be computed, and paid for, at the rate of two shillings and six pence for every hour of the day such detention may last. And the commanding-officer shall give certificates to the respective owners or carriers of such waggons and carts of the weights of the baggage, and the distance which the same shall have been so carried and conveyed by them, specifying also therein the time and cause of the detention of such waggons or carts, according to which receipts the owner of such horses, waggons or carts, shall be entitled to demand and receive payment, forthwith, of the officer commanding such detachment.

Additional horses or detention to be paid for.

Officer commanding to give a certificate to the owner or driver of the waggon, which shall entitle him to payment.

V. *And be it further enacted*, That if any person or persons shall refuse or neglect to furnish any such horses, carts or waggons, upon the order of two of His Majesty's Justices of the Peace given as aforesaid, without a reasonable excuse to be allowed by said Justices, on complaint thereof made by the said Justices, or either of them, to the next Court of General or Quarter Sessions of the Peace for such county, the said Court shall order the party complained against to be brought before them, and shall hear and determine such complaint: and if the person or persons complained against shall be convicted of wilfully disobeying the said order, he or they shall severally forfeit and pay forty shillings for such offence: to be levied by warrant of distress, and sale of the goods and chattles of such offender, and be paid to the officer commanding the militia in such county or district, and applied to the services herein after mentioned. And if any officer commanding such detachment shall force or constrain any waggon or cart to travel more than twenty miles, or one day's journey, or shall refuse or neglect to discharge the same in due time to return home, or shall overload, or suffer to be overloaded, any such waggon or cart, either by permitting soldiers, their wives or children, to ride therein, or otherwise, or shall force waggons, carts or horses, from the owners thereof, by themselves, servants or soldiers; every such offence shall forfeit the sum of forty shillings, and be liable also to the party injured for his reasonable damages; and no loaded waggon or cart, passing from town to town, nor any horse or horses, employed in travelling by or for the owner, shall be liable to be taken or constrained to transport such baggage as aforesaid.

Penalty for such as refuse to furnish horses, waggons, &c. when ordered.

Commanding officer not to force waggon, &c. to travel more than 20 miles in a day, or to be over loaded, &c.

VI. *And be it further enacted*, That all fines and forfeitures recovered by virtue of this Act, or of the Act hereby added to, shall be applied to the repairing of the arms of such militia, and to the providing and repairing of drums: and if there shall thereafter be any residue left in the hands of any commanding officer of militia, it shall then be laid out in the purchase of arms for such men of the same regiment as shall be recommended by the field officers for such donations.

Application of fines arising from this Act.

VII. *And be it further enacted*, That the commanding-officer of the several battalions, regiments and independant companies, of militia, shall, at the times and periods required by the eleventh section of the aforesaid Act for them to make their returns of the strength of their regiments, return also to the Adjutant-General, at the Secretary's office in Halifax, an account of all the fines collected, or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure, for the information of the Commander in Chief, on pain of forfeiting twenty pounds for each and every neglect in making such return, or for any false return, wilfully made, concerning the receipt or expenditure of any such fines.

Militia Fines—how to be accounted for.

VIII. *And be it further enacted*, That all the provisions contained in this Act shall extend to be applied to the march of the militia, as well as the regular troops: any thing in the said before recited Act to the contrary notwithstanding: which said recited Act, entitled, "An Act, made in the thirty-fifth year of His Majesty's reign, entitled, An Act to amend, and reduce

The provisions of this Act to extend to the Militia on a march.

into one Act, the ſeveral laws, now in being, relating to a militia in this Province;" and the Act in amendment thereof, paſſed in the thirty-ſeventh year of His Majeſty's reign, together with this Act, ſhall be in full force, and continue until the firſt day of July, which will be in the year of our Lord one thouſand eight hundred and one, and no longer.

Act continued.

CAP. XIX.

An ACT to revive, amend and continue, an Act, paſſed in the thirty-ſixth year of His preſent Majeſty's reign, entitled, An Act in addition to an Act, made in the fifth year of His preſent Majeſty's reign, entitled, An Act for the raiſing money by preſentment, on the ſeveral counties in this Province, for the defraying certain county charges therein mentioned.

Preamble.

WHEREAS *an Act, paſſed in the thirty-ſixth year of His preſent Majeſty's reign, entitled, "An Act in addition to an Act, made in the fifth year of His preſent Majeſty's reign, entitled, An Act for the raiſing money by preſentment on the ſeveral counties in this Province, for the defraying certain county charges therein mentioned," is expired by its own limitation, ſince which certain county charges, therein mentioned, have remained unpaid:*

Revival and continuance of expired Act declared.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly, and it is hereby enacted,* That the ſaid Act, and every clauſe, article, matter and thing, therein contained, ſhall be revived and continued: and the ſaid Act, and every clauſe, article, matter and thing, therein contained, is hereby revived and continued.

Act 36th year Geo. 3d, in addition to Act 5th year Geo. 3d, and this Act continued in force to 31ſt July, 1801.

Continued to the preſent time.

II. *And be it further enacted, by the authority aforeſaid,* That the ſaid Act, paſſed in the thirty-ſixth year of His preſent Majeſty's reign, entitled, "An Act in addition to an Act, made in the fifth year of His preſent Majeſty's reign, entitled, An Act for raiſing money by preſentment on the ſeveral counties within this Province, for the defraying certain county charges therein mentioned," and every clauſe, article, matter and thing, therein contained, ſhall be, and is hereby, revived and continued, which, together with this Act, is to be and remain in force as aforeſaid, until the thirty-firſt day of July, which will be in the year of our Lord one thouſand eight hundred and one, and no longer: any thing contained in this Act to the contrary notwithſtanding.

Provisions of Act above recited extended throughout the Province.

III. *And be it further enacted,* That the proviſions contained in ſaid recited Act, ſhall be, and the ſame are hereby, extended to the ſeveral counties and diſtricts throughout the Province, in which General Seſſions of the Peace are now held.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, and thence continued by ſeveral Prorogations to the Ninth day of June, 1801, in the Forty-firſt Year of the Reign of our Sovereign Lord George the Third, by the Grace of GOD of the United Kingdom of Great-Britain, and Ireland, KING, Defender of the Faith, &c. being the Second Seſſion of the Eighth GENERAL ASSEMBLY, convened in the ſaid Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Eſq. Chief Juſtice, and Preſident of Council; Richard John Uniacke, Eſq. Speaker of the Aſſembly; James Gautier, Secretary of Council; and James B. Francklin, Clerk of Aſſembly.

CAP. I.

An ACT in addition to, and amendment of, the Act, paſſed in the Second year of His Majeſty's reign, entitled, An Act for appointing Firewards, aſcertaining their duty, and for puniſhing thefts and diſorders at the time of Fire.

Preamble.

WHEREAS *the increaſe of the town of Liverpool, makes it requiſite that Firewards ſhould be appointed there, and proper precautions taken to preſerve ſaid town from the danger of fire:*

Act for appointing firewards, &c. extended to Liverpool.

I. *Be it enacted, by the Lieutenant Governor, Council and Aſſembly*, That, from and after the publication hereof, the ſaid recited Act, for appointing Firewards, and all the ſeveral Acts which have been ſince made, and paſſed, in addition to, and amendment thereof, and all the ſeveral clauſes, matters and things, contained therein, ſhall be, and the ſame are hereby, extended to the town of Liverpool: and the Juſtices, in their Seſſions, for the County of Queen's County, Juſtices of the Peace, and all other perſons whatſoever, in and within the ſaid town of Liverpool, are hereby bound ſtrictly to conform to ſaid Acts, and to carry the ſame into execution, within the ſaid town, in as full and ample a manner, to all intents and purpoſes, as if the ſaid town of Liverpool had been originally named therein.

CAP. II.

An ACT to repeal an Act, made in the Thirty-ninth year of His preſent Majeſty's reign, entitled, An Act to regulate the practice of Inoculation for the Small Pox.

Preamble.

WHEREAS *the aforeſaid Act is found to be prejudicial, and inconvenient, to the inhabitants of this Province:*

I.

Act for regulating the practice of inoculation for the Small Pox, repealed.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That the aforeſaid Act be repealed: and every matter, clauſe and thing, therein, is hereby repealed: any thing in the ſaid Act to the contrary notwithſtanding.

CAP. III.

An ACT to authoriſe Captain WILLIAM FENWICK, His Majeſty's Commanding Engineer in Nova-Scotia, to extend the South Military Barrack in Halifax, Seven Feet on Albermarle-Street for the better accommodation of the Troops in Garriſon there.

Preamble.

WHEREAS *it has been repreſented to His Excellency the Lieutenant-Governor, that the King's ſervice abſolutely requires that a part of the weſtern ſide of Albemarle ſtreet, in the town of Halifax, ſhould be appropriated for the erecting a more commodious barrack for the reception of His Majeſty's troops, garriſoned for the defence and protection of His Majeſty's ſubjects in this Province:*

Seven feet by three hundred & twenty granted on Albermarle Street.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That ſeven feet, by three hundred and twenty-feet, of the ſaid ſtreet, on the weſtern ſide, adjoining to the piece of ground purchaſed by government, and known by the name of Adlam's Garden, ſhall henceforth be appropriated, in perpetuity, for the uſe aforementioned, or for ſuch other purpoſes as His Majeſty's military ſervice may require.

CAP. IV.

An ACT in amendment of an Act, made in the Thirty-fifth year of His Majeſty's reign, entitled, An Act to prevent the harbouring of Deſerters from His Majeſty's Army, and the ſale of arms, accoutrements and cloathing, belonging to His Majeſty.

Mode of defraying expences incurred for apprehending and ſecuring deſerters.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That when the Magiſtrates of any county or diſtrict within the Province, ſhall have incurred any expence in ſecuring or apprehending any deſerter or deſerters from His Majeſty's army or navy, or ſhall have been at any expence in maintaining them, or either or any of them, or in tranſmitting ſuch deſerter or deſerters to the corps or ſhip to which he or they may ſeverally belong, it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, to order ſuch reaſonable charges as may have actually been incurred in performing ſuch ſervice, to be paid out of the Provincial Treaſury, in caſe ſuch expence cannot be recovered upon due application to the corps or ſhip to which ſuch deſerter or deſerters ſhall belong.

Puniſhment of ſuch as entice ſoldiers to deſert.

II. *And be it further enacted,* That if any perſon or perſons whatſoever ſhall, directly or indirectly, perſuade, entice or procure, or endeavor to encourage, perſuade, entice or procure, any ſoldier, or ſoldiers, in the ſervice of His Majeſty, or of his heirs or ſucceſſors, to deſert, it ſhall and may be lawful for the commanding-officer of the regiment, company or party, to which ſuch ſoldier or ſoldiers ſhall belong, at his option, to cauſe the perſon or perſons ſo offending to be proſecuted by information in His Majeſty's Supreme Court, or before two of His Majeſty's Juſtices of the Peace, according to the nature and circumſtances of the caſe: and if the perſon or perſons, on ſuch proſecution in the Supreme Court, ſhall, by the verdict of a Jury, be convicted of any or either of the foregoing offences, ſuch perſon or perſons ſhall forfeit and pay for

for each and every offence, not exceeding forty pounds, the ſame to be paid and applied for the uſe of the poor of the town or diſtrict where ſuch offence ſhall be committed, and the perſon ſo convicted, ſhall, by the judgment of ſuch court, be impriſoned, until he or ſhe ſhall pay the ſaid penalty, with the coſt of proſecution, to be taxed and allowed by ſaid Court, and if ſuch proſecution ſhall be carried on before two of His Majeſty's Juſtices of the Peace, the perſon or perſons, who, on the oath of one or more credible witneſs or witneſſes, ſhall be convicted by ſuch Juſtices of any, or either, of the foregoing offences, ſhall forfeit and pay, for each and every offence, the ſum of five pounds, the ſame to be paid, and applied, for the uſe of the poor of the town or diſtrict where ſuch offence ſhall be committed; and ſuch offender or offenders, ſhall, by ſuch Juſtices, be committed to jail, until he, ſhe or they, ſhall pay and diſcharge the ſaid penalty of five pounds, together with the coſt of proſecution; and if ſuch offender ſhall not pay the penalty or penalties recovered againſt him, within ten days after conviction by ſaid Juſtices as aforeſaid, it ſhall and may be lawful for ſuch Juſtices to cauſe ſuch offender to be publicly whipped, and diſcharged from ſaid jail.

CAP. V.

An ACT for the repairing, keeping in repair, cleaning and paving, the ſtreets in the Town and Peninſula of Halifax, and for removing obſtructions therein, and alſo to ſuſpend the power and authority veſted in the Surveyors of Highways within the Town and Peninſula of Halifax, after the firſt day of Auguſt next, during the operation of this Act.

Appointment of Commiſſioners of Roads for Halifax.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That CHARLES MORRIS, Jun. LAWRENCE HARTSHORNE, JOHN GEORGE PYKE, WILLIAM LYON, and MICHAEL WALLACE, inhabitants of the town of Halifax, ſhall be, and are hereby, appointed Commiſſioners, for the repairing, paving, and keeping in repair, the ſtreets, lanes and alleys, in the town, and on the peninſula of Halifax, and for aſcertaining, and removing, obſtructions therein: and in caſe of the death, removal, or refuſal, of any of the ſaid Commiſſioners, his or their places to be filled up by ſuch perſon or perſons, being inhabitants of the town of Halifax, and reſpectable freeholders there, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majeſty's Council, ſhall nominate and appoint.

Commiſſioners empowered to divide the Town and Peninſula into wards, and to receive the rates and ſervices ſettled by former laws and ſtatutes.

II. *And be it further enacted*, That the ſaid Commiſſioners ſhall and may divide the ſaid town and peninſula into ſuch, and ſo many, wards or diviſions, as they ſhall judge convenient, and aſſign to each other, ſuch ward or diviſion thereof, as they can reſpectively ſuperintend; and ſhall and may appoint a receiver of monies, and a clerk, and ſhall and may aſk, demand and receive, of and from the inhabitants of the town and peninſula of Halifax, all ſuch ſum or ſums of money, rates, ſervices, highway-work, or labour, as they are by any former law, or by the proviſions of this Act, made liable to pay, or furniſh, for the mending, or repairing, of ſtreets, lanes, roads or highways, in the ſaid town and peninſula; and ſhall have the like remedy for the recovery thereof, as the ſurveyors, or overſeers, of the highways, roads or ſtreets, by ſuch former laws, have had, or ought to have; and the ſaid Commiſſioners, or any three of them, ſhall proſecute, on complaints made to them, every perſon or perſons who ſhall offend againſt this Act, or any other of the laws and ſtatutes of this Province, ſo far as reſpects the preſervation, repairing, and preventing encroachments, on the ſtreets, lanes and highways, of ſaid town and peninſula, and are alſo hereby authoriſed and impowered, to bring any action or

Commiſſioners empowered to preſerve ſtreets & highways, and to prevent encroachments.

actions

Actions to be brought againſt perſons, who retain monies for repair of roads, &c.

actions in the name of the ſaid Commiſſioners, or of the major part of them, againſt any perſon or perſons receiving, or holding, monies, appropriated for the repair of the highways, ſtreets, or roads, of the ſaid town and peninſula, and alſo againſt any perſon or perſons refuſing, or neglecting, to pay, or ſatisfy, his, her or their, proportion of any rate or aſſeſſment of monies, or highway-work due, and owing on account thereof, as if the ſame were a private debt, contracted with, or owing to, them, or the major part of them, reſpectively, and have like proceſs, and remedy, for the recovery thereof, as in caſe of private debts.

The Commiſſioners, or any three of them, may order the Streets to be repaired, cleared, raiſed, ſunk, altered, or paved, as they may think beſt.

III. *And be it further enacted*, That, from and after the firſt day of Auguſt next, the ſaid Commiſſioners, or any three of them, ſhall and may, from time to time, order and direct the ſtreets and lanes, or any of them, within their reſpective wards or diviſions, to be cleaned, repaired, raiſed, ſunk, altered or paved, as they may think beſt; *Provided always*, That the paving of water-ſtreet, within the ancient picketed lines of the town, and George-ſtreet, from the parade to water-ſtreet, ſhall be completed before any other ſtreets ſhall be begun to be paved; and the pavement ſhall be afterwards continued through the other ſtreets, in every direction therefrom, as the ſaid Commiſſioners may judge beſt, and be able to accompliſh the ſame. And the ſaid Commiſſioners, or any three of them, ſhall have full power and authority to cauſe to be dug, gathered, and carried out of, or brought into, the ſaid ſtreets, lanes and roads, ſuch gravel, ſtones, earth, or other materials, from the ſhores of the harbour, or elſewhere, *provided* the ſame be done with as little injury as poſſible to the proprietor or proprietors of the ſoil; and to employ boatmen, carts, workmen and labourers, and to pay and ſatisfy them for their ſervices, as they ſhall judge neceſſary and conducive to the accompliſhing the ends and deſigns of this Act; and alſo to make contracts, with any fit perſons, for the repairing and paving the ſaid ſtreets, highways and lanes, or any part thereof, on the beſt terms that can be procured for the public, and ſhall and may, if they think proper, bargain or compound with any of the inhabitants by the year, for ſuch ſum or ſums of money as the ſaid Commiſſioners may think reaſonable for the ſhare or proportion of ſuch inhabitants for and towards the repairing, paving, or keeping in repair, the ſaid ſtreets, highways or lanes: *provided* ſuch compoſition money be paid in advance; and ſhall alſo have power and authority to put up bars or fences, to ſhut up any ſtreet or ſtreets while undergoing repairs by paving or otherwiſe.

Water-Street & George-Street to be firſt paved.

Authoriſed to make contracts, and compound with the inhabitants for their rates.

Commiſſioners empowered to raiſe, ſink, alter or new lay, any drain, &c. for the conveyance of water.

IV. *And be it further enacted*, That the ſaid Commiſſioners, or any three of them, ſhall have power to raiſe, ſink, alter, or new lay, any drain, water courſes, pipes or common ſewers, as often, and in ſuch places, as they may think proper, *provided*, the ſame be done with as little detriment and inconvenience to the neighbours, and others, as the circumſtances of the caſe will admit of; and the ſaid Commiſſioners, or any three of them, may cauſe the courſe or direction of any gutter, water-courſe or channel, running in or through the ſaid ſtreeet, lanes or highways, to be turned or altered as they think proper.

Perſons forbid to encumber the Streets, with building materials, rubbiſh, &c.

V. *And be it further enacted*, That no perſon or perſons whatever, ſhall throw, or cauſe to be thrown, or laid, any aſhes, ſtable manure, ſtones, dirt, or filth of any kind, in any of the ſaid ſtreets, highways or lanes, or encumber the ſame with any trucks, carriages, carts, timber, cordwood, ſea coal, lime, or other building materials, or with any earth or rubbiſh, on pain of forfeiture of ſuch trucks, carriages, carts, timber, cordwood, lime, coal, building materials, earth, rubbiſh, aſhes, manure, ſtones or dirt, and likewiſe ſuffering the penalty already impoſed by law, on perſons guilty of incumbrances in the ſtreets, lanes and highways, of ſaid town and peninſula.—And the ſaid Commiſſioners, or any three of them, may cauſe all ſuch incumbrances to be removed, ſold, or otherwiſe diſpoſed of, as they may think fit. *Provided always*, that any perſon or perſons, by leave of the ſaid Commiſſioners, or the major part of them, may lay or depoſit for the purpoſe of building houſes, or other work, in the ſaid ſtreets, lanes, or highways; or may ſet up, or erect poſts, bars, or other incloſures, for the better ſecuring ſuch materials, and to continue the ſame for ſuch time only, as the ſaid Commiſſioners,

Commiſſioners empowered to grant permiſſion to perſons who are building, &c. to depoſit materials in the Streets.

miſſioners, or the major part of them, may give leave, and in ſuch manner and form as they ſhall, in writing, direct, and no longer, on pain of forfeiture thereof; *and provided alſo*, that reaſonable notice ſhall firſt be given to the owner, or proprietors, if known, of ſuch ſea coal, cordwood, aſhes, rubbiſh, or other incumbrances, laid in the ſtreets; and if the owner, or proprietor, be unknown, then ſuch notice, in writing, to be left at the houſe or houſes, neareſt or oppoſite to where ſuch incumbrances are laid, to remove the ſame within the time that may be limited and ordered by the ſaid Commiſſioners, or the major part thereof.

Notice to be given to perſons who incumber the Streets to remove the ſame.

VI. *And be it further enacted*, That it ſhall and may be lawful for the ſaid Commiſſioners, or the major part thereof, to cauſe any well or wells to be dug or ſunk, and pumps to be therein placed, in any parts of the ſaid ſtreets or lanes, where they ſhall judge neceſſary, and moſt convenient, the ſame to be placed and conſtructed in ſuch manner as the ſaid Commiſſioners may direct.

Commiſſioners empowered to cauſe wells to be ſunk, &c.

VII. *And be it further enacted*, That the ſaid Commiſſioners, or any three of them, ſhall, immediately after the publication of this Act, cauſe an impartial ſurvey and examination to be made of all the ſtreets, lanes and highways, of ſaid town and peninſula, and ſhall cauſe all ſign poſts, ſhow glaſſes, ſhow boards, porches, ſteps, fences, cellar doors, and all and every other material, matter or thing, belonging to any houſe, ware-houſe, ſhop, cellar and building, or to any lot of ground or incloſure, which cauſe or occaſion any nuiſance, annoyance, incroachment or obſtruction, in the ſaid ſtreets, lanes and highways, of ſaid town and peninſula: if the ſame ſhall have been built, placed or erected, at any time within twenty years previous to the publication of this Act, to be wholly removed, or ortherways to be placed or altered in ſuch manner and form as ſhall be approved by them, or the Surveyor employed by them; and in caſe it can be done without any particular inconvenience to the public, ſhall and may permit and ſuffer the ſame to remain, in caſe the owners or proprietors thereof, or any of them, ſhall give ſecurity that the ſame ſhall not be repaired, or again rebuilt; and alſo to pay and ſatisfy to the ſaid Commiſſioners, or the major part of them, a reaſonable yearly ground rent for the part of the ſtreet ſo incroached on, to the ſatisfaction of ſaid Commiſſioners, during the continuance of ſuch incroachment.

Commiſſioners to ſurvey and examine Sign Poſts, Shew Glaſſes, Porches, &c. and cauſe the ſame to be removed.

VIII. *And be it further enacted*, That every perſon or perſons intending to erect any building upon, or cloſe to, the line of any ſtreet, lane or highway, within the ſaid town or peninſula, ſhall, previouſly to the digging of a foundation, or beginning to erect ſuch building, make application to one or more of the ſaid Commiſſioners to cauſe the line of ſuch ſtreet, lane or highway, to be defined or laid out; and ſhall dig ſuch foundation, and erect ſuch building, within the ſaid line, ſo as to avoid making any incroachment upon ſuch ſtreet, lane or highway; and if it ſhould be neceſſary to employ a ſurveyor on ſuch occaſion, the expence of ſuch ſurveyor ſhall be defrayed by the perſon or perſons ſo intending to build as aforeſaid; and if any perſon or perſons ſhall preſume to erect any building, upon the line of any ſuch ſtreet, lane or highway, without making application, and having the line of the ſtreet, lane or highway, aſcertained as aforeſaid, he, ſhe or they, ſhall forfeit and pay the ſum of ten pounds, to be recovered and applied for the purpoſes of this Act, and ſhall alſo remove ſuch building, if it ſhall be found to have incroached upon any ſtreet, lane or highway; or otherwiſe the ſaid Commiſſioners ſhall and may proceed to remove the ſame, or take ſuch other ſteps as are allowed by law, in caſes of common nuiſance.

Perſons intending to build, to apply to the commiſſioners before digging the foundation, or beginning to erect the ſame.

Perſons neglecting to apply to the Commiſſioners to pay 10l.

IX. *And be it further enacted*, That no perſon ſhall be at liberty to dig up, or break open, the ſoil of any ſtreet, lane or highway, within the ſaid town and peninſula, without firſt applying to the ſaid Commiſſioners, and obtaining their permiſſion in writing, ſpecifying the purpoſe for which ſuch breaking of the ſoil is allowed, and the ſaid Commiſſioners may impoſe ſuch terms upon the perſon applying, as the ſecurity of paſſengers by day or night, ſhall appear to them to require; and any perſon acting contrary hereto, or to the terms impoſed by the ſaid Commiſſioners, ſhall forfeit and pay five pounds for every ſuch offence.

No perſon to be at liberty to dig up any ſtreet, without leave from the Commiſſioners.

X.

In addition to road money, the Governor empowered to draw on the Treaſury, for one third part of the licence money.

X. *And be it further enacted*, That in addition to the rates, duties and ſervices by law impoſed, for the making and repairing of the roads, ſtreets and lanes, within the town and peninſula of Halifax, it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw, by warrant, on the treaſury, quarterly, for one third part of the monies ariſing from the duty collected on licenſed houſes and ſhops, within the town and peninſula of Halifax: and the Treaſurer of the Province is hereby authoriſed to pay the amount of ſuch warrant or warrants to the ſaid Commiſſioners, or their order.

Commiſſioners to keep regular accounts of all monies received and expended by them.

XI. *And be it further enacted*, That the ſaid Commiſſioners ſhall keep a regular and exact account of all monies and labour received by them, and of all ſervices performed in the execution of this Act, and ſhall, once a year, on or before the tenth day of March, in every year, make up, and render under their hands, or the hands of the major part of them, to the Treaſurer of the Province, a general, regular and fair, account in writing, of all monies and labour received and paid by them in the execution of, or under and by virtue of, this Act; and alſo of all ſervices done and performed, and of the coſt and expence of doing the ſame, for the paſt year, that the ſame may be audited and paſſed in the General Aſſembly at their next meeting.

Proſecutions againſt perſons acting under the authority of this Act.

XII. *And be it further enacted*, That no action or ſuit ſhall be commenced againſt any perſon or perſons, for any thing done in purſuance of this Act, until twenty days notice thereof ſhall be given, in writing, to one or more of the ſaid Commiſſioners, or after ſix calendar months next after the fact committed, for which ſuch action or ſuit ſhall be brought; and every ſuch action ſhall be brought, laid and tried, in the county of Halifax, and not elſewhere; and the defendant or defendants in ſuch action or ſuit, may tender amends, or may plead the general iſſue, and give this Act, and the ſpecial matter, in evidence, at any trial to be held thereupon; and if the matter or thing ſhall appear to have been done in purſuance of this Act, or if it ſhall appear that the ſaid action or ſuit was brought before the twenty days notice thereof given as aforeſaid, or that ſufficient amends were tendered, or if the ſaid action or ſuit ſhall not be commenced within the time here limited, or within the county aforeſaid, then the jury ſhall find for the defendant or defendants; and if a verdict ſhall be given for the defendant or defendants, or if the plaintiff or plaintiffs in ſuch action ſhall become nonſuit, or ſuffer a diſcontinuance thereof, or if upon any demurrer or demurrers, in ſuch action or actions, judgment ſhall be given for the defendant or defendants, then, and in either of the caſes aforeſaid, ſuch defendant or defendants ſhall recover treble coſts, and have judgment therefor accordingly.

Application of monies ariſing under this Act.

XIII. *And be it further enacted*, That all monies raiſed, collected, or paid to the ſaid Commiſſioners, or any or either of them, under or by virtue of this Act, ſhall be applied to the purpoſes of this Act, and for no other uſe or purpoſe whatever.

The authority of former ſurveyors to ceaſe after firſt Auguſt, 1801.

XIV. *And be it further enacted*, That after the firſt day of Auguſt next, the power and authority now veſted in the Surveyors of Highways, within the town and peninſula of Halifax, ſhall ceaſe and determine, any law, uſage or cuſtom, to the contrary notwithſtanding.

CAP. VI.

An ACT for the better management and relief of the Poor of Halifax.

Appointment of Commiſſioners to ſuperintend and manage the poor.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the firſt day of January next, RICHARD JOHN UNIACKE, WILLIAM FORSYTH, LAWRENCE HARTSHORNE, JOHN GEORGE PYKE, WILLIAM TAYLOR, CHARLES MORRIS, Jun. CHARLES HILL, WILLIAM SABATIER, JAMES CLARKE, WILLIAM LYON, JOHN LAWSON, and JAMES FRASER, ſhall

ſhall be Commiſſioners for the ſuperintendance, relief and management, of the poor of the town and peninſula of Halifax, and for the appropriation and diſpoſal of the funds which are, or may be made, applicable to their ſupport and maintenance: which Commiſſioners ſhall have, and may exerciſe, all the rights, powers and authorities, of every nature whatſoever, heretofore granted by law to, and veſted in, the Overſeers of the Poor, and may act, in the immediate management and government of the poor by rotation, each one month, as may be agreed on from time to time by them; and in caſe of the death, removal, or refuſal to ſerve, of any of the ſaid Commiſſioners, his or their places to be filled up by the Governor, Lieutenant-Governor, or Commander in Chief for the the time being, out of ſuch perſon or perſons as may be nominated and recommended for that purpoſe by the major part of the remaining Commiſſioners, in writing under their hands.

Commiſſioners veſted with all the powers of former Overſeers, and to exerciſe it monthly, by rotation.

Mode of proceeding on the death of any of the Commiſſioners.

II. *And be it alſo enacted*, That the acting Commiſſioner, for the time being, ſhall have the immediate ſuperintendance of the poor-houſe, and ſhall take care to have the food, allotted for the paupers, regularly ſerved; and the beds, bedding and cloathing, kept in clean order; and ſhall direct what food ſhall be ſerved to them, and alſo at what hours; and ſhall and may direct or order every pauper, capable of any work or labour, to be employed in ſuch manner, and at ſuch hours of the day, as he may think beſt, and may excuſe from work ſuch as he may find unfit, or too infirm therefor; and may order and direct ſuch who, being able, ſhall refuſe to work, or who ſhall miſbehave, to be puniſhed by ſolitary confinement, or by ſtoppage of their allowance of food, until they become obedient, or by ſuch other ways and means as the ſaid Commiſſioners may direct and order for the general government of the houſe and paupers.

Acting Commiſſioner to have power to direct the food, cloathing, labour and puniſhment of paupers.

III. *Be it alſo enacted*, That the earnings of the paupers ſhall be fairly rated by the Commiſſioners, and a regular account thereof kept, ſo that the earning of each may be known and aſcertained, and the ſurplus thereof, after deducting the expence of cloathing and food furniſhed to ſuch pauper, ſhall be accounted for, and paid, to the pauper who may have earned it, without any defalcation or abatement whatever: and whoever ſhall miſapply or embezzle the poor funds ſhall be liable to pay treble damages, with full coſts of ſuit, to the party injured thereby. *Provided always*, That the Commiſſioners, or the major part thereof, may direct ſuch ſurplus to be laid out and expended in ſuch articles of cloathing, or other neceſſaries, as the pauper may be in want of: ſpirits, or ſtrong drink, excepted.

Accounts to be kept of the earnings of the paupers, and the ſurplus to be laid out in cloathing.

IV. *And be it alſo enacted*, That no Commiſſioner, keeper of the houſe, or other perſon employed under them, or either of them, ſhall derive or receive any ſhare or intereſt in the earnings of the paupers, on pain of immediate diſmiſſion from office, and abſolute diſqualification therefor, and ſhall be alſo liable to repay double the ſum ſo taken from the paupers, to be recovered by information or action at the ſuit of the pauper, or of a major part of the Commiſſioners in his or her behalf.

No Commiſſioner or Keeper of the Houſe to have any intereſt in the earnings of the paupers.

V. *And be it alſo enacted*, That no rum, or other diſtilled ſpirituous liquors, ſhall be allowed to the paupers, or be bought, ſold or drank, within the houſe and premiſes appropriated to the uſe of the poor; that the paupers ſhall be fed on ſoups, barley broth, ſtewed meat, wheaten, rye, oaten and indian, bread, or cakes or puddings, and alſo on fiſh and vegetables, in ſuch way and manner as the acting Commiſſioner may, from time to time, direct: and an account be kept of the coſt of ſuch meal, that the earnings of the paupers may be taxed accordingly.

No ſpirituous liquors to be ſold or drank in the Houſe, and the kind of diet eſtabliſhed.

VI. *Be it alſo enacted*, That the cloathing for the paupers, in winter, ſhall be a warm, but coarſe, jacket and trowſers for each male, and a jacket and petticoat for each female, and alſo a ſtrong cotton ſhirt or ſhift, with yarn ſtockings and leather buſkins.

How the paupers are to be cloathed.

VII. *Be it alſo enacted*, That the men and boys ſhall be employed daily in picking oakum or or raſping wood, or in ſuch trades as can be taught and followed in the houſe, and the women

Employment of the paupers.

and girls in ſewing, mending, or making cloaths, ſpinning or carding, knitting or weaving, or in ſuch menial ſervices about the houſe, as the acting Commiſſioner may, from time to time, direct.

Commiſſioners empowered to bind out boys or girls.

VIII. *Be it alſo enacted*, That the Commiſſioners, or the major part of them, ſhall have power to apprentice or bind out the poor boys or girls under their charge, by indenture, until they arrive at age, to any perſon or perſons of good repute within the Province, on ſuch terms and conditions as they may judge beſt.

Appointment of a Keeper.

His ſalary.

IX. *And be it further enacted*, That the Commiſſioners, or the major part of them, ſhall have power to nominate and appoint a keeper of the poor-houſe under them, and to remove him at pleaſure, and to appoint another in his place; which keeper ſhall be allowed a ſalary not exceeding one hundred pounds a year, together with ſuch rooms in the houſe, and ſuch allowance of fuel and proviſions, as they may think fit. The Commiſſioners, or the major part of them, or the acting Commiſſioner under their authority, ſhall direct and order all the purchaſes that are to be made for the uſe of the houſe and paupers, in which neither the Commiſſioner nor keeper ſhall have any profit or emolument whatever; and ſhall alſo make and publiſh rules for the general government and management of the houſe, the keeper, ſervants and paupers, as they may judge beſt from time to time, and may expel and turn out of the houſe, and grounds, all ſuch perſons, belonging thereto, as ſhall be diſobedient and refractory, and all other perſons whomſoever, if they ſhall ſee cauſe therefor.

Commiſſioners to order and direct all purchaſes.

Commiſſioners to expel the diſobedient and refractory.

Account of the receipt and expenditure of the ſaid Houſe, to be rendered on the 1ſt January, annually.

X. *And be it further enacted*, That all monies or donations of whatever kind for the relief of the poor, paid or delivered into the hands of the ſaid Commiſſioners, ſhall be by them applied for the relief and maintenance of the poor under their charge, and the ſaid Commiſſioners ſhall keep fair and regular accounts of all ſuch monies and donations received by them, and alſo of all ſums of money paid or expended by them, for the ſupport and maintenance of the poor, and alſo of the earnings of the paupers, and of the diſpoſal thereof, and ſhall annually, and every year, on the firſt day of January, or oftener if required, render a full and true account thereof, in writing, to the Treaſurer of the Province, to be by him laid before the Supreme Court, for inſpection and audit.

Beggars and vagabonds to be received, and put to labour.

XI. *And be it further enacted*, That all vagrants, beggars, and diſorderly perſons of any kind, ſhall be received by the Commiſſioners into the poor-houſe, ſo that they may be made to earn their living; and ſuch ſturdy paupers as can work, and will not, ſhall be compelled thereto. *Provided always*, that the ſaid Commiſſioners ſhall not be obliged to furniſh more victuals to ſuch diſorderly and diſobedient perſons, than their earnings will pay for.

Commencement of Act on firſt of January, 1802.

XII. *And be it further enacted*, That the operation of this Act ſhall commmence and take effect on the firſt day of January, one thouſand eight hundred and two.

CAP. VII.

An ACT to revive, and continue, an Act made in the thirty-ſixth year of His Majeſty's reign, entitled, An Act to encourage the killing of Wolves, Bears, Loup Cerviers, and Wild Cats.

Preamble.

WHEREAS *an Act, made in the thirty-ſixth year of His preſent Majeſty's reign, to encourage the killing of Wolves, Bears, Loup Cerviers, and Wild Cats, was found to be of great public utility:* And whereas, *great damage ſtill continues to be done to the farmers in different parts of this Province, by Wolves, Bears, Loup Cerviers, and Wild Cats, killing and deſtroying their ſheep and other cattle; for remedy whereof:*

I. *Be it enacted, by the Lieutenant Governor, Council and Aſſembly*, That the before recited

ted Act, and every clauſe, matter and thing, therein contained, be revived, and that the ſame ſhall continue, and be in force, for and during the term of three years, from and after the publication hereof, and no longer. Act continued to the preſent period.

CAP. VIII.

An ACT to continue an Act, made and paſſed in the Thirty-fourth year of His preſent Majeſty's reign, entitled, An Act to provide for the ſupport of the Grammar School in Halifax, and for other public purpoſes therein contained. Expired.

CAP. IX.

An ACT to continue an Act, made and paſſed in the Thirty-ninth year of His preſent Majeſty's reign, entitled, An Act for raiſing a Revenue to repair the roads throughout the Province, by laying a duty on perſons hereafter to be licenſed to keep Public Houſes, or Shops, for the retail of Spirituous liquors, and for regulating ſuch Public Houſes and Shops.—Alſo, the Act, paſſed in the Fortieth year of His Majeſty's reign, in amendment of the above recited Act. Expired.

CAP. X.

An ACT to continue in force the ſeveral Acts therein mentioned. Expired.

CAP. XI.

An ACT to continue the ſeveral Revenue Laws for the ſupport of His Majeſty's Government in this Province; and to explain an Act, paſſed laſt Seſſions of General Aſſembly, entitled, An Act to alter, amend, and continue in force, ſeveral Revenue Laws, for granting to His Majeſty certain Duties on Wine, Rum, and other Diſtilled Spirituous Liquors, Brown Sugar, and other articles therein mentioned; and for enabling the Officers of His Majeſty's Navy to obtain a Drawback of the Duties on Wines carried, and conſumed, by them out of the limits of the Province.

WHEREAS *the following Revenue Laws, of this Province, now in force, are near expiring, and it is expedient that the ſame ſhould be continued:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That the Act, paſſed in the thirty

Revenue Acts, 33d Geo. 3d.

thirty-third year of His preſent Majeſty's reign, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying the intereſt, and reducing the principal, of the public debt of this Province. Alſo, an Act, made in the ſame thirty-third year of His preſent Majeſty's reign, entitled, An Act for providing for the ſupport of His Majeſty's government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, commerce and fiſheries, of this Province. Alſo, an Act, made in the thirty fourth year of His preſent Majeſty's reign, entitled, An Act in addition to, and amendment of, an Act, paſſed in the thirty-third year of His Majeſty's reign, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and all other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying the intereſt, and reducing the principal, of the public debt of this Province; and alſo to revive, amend, and render more effectual, an Act, paſſed in the ſame thirty-third year of His preſent Majeſty's reign, entitled, An Act for providing for the ſupport of His Majeſty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, commerce and fiſheries, of this Province. Alſo, an Act, made in the thirty-fifth year of His preſent Majeſty's reign, entitled, An Act in amendment of an Act, made in the thirty-fourth year of His Majeſty's reign, entitled, An Act in addition to

34th Geo. 3d.

and amendment of, an Act, made in the thirty-third year of His Majeſty's reign, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying the intereſt, and reducing the principal, of the public debt of this Province; and alſo to revive, and render more effectual, an Act, paſſed in the ſame thirty-third year of His preſent Majeſty's reign, entitled, An Act for providing for the ſupport of His Majeſty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, fiſheries and commerce, of this Province. Alſo, an Act, made in the thirty-ſixth year

36th Geo. 3d.

of His preſent Majeſty's reign, entitled, An Act, in addition to, and in amendment of, an Act made in the thirty-third year of His preſent Majeſty's reign, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying off the intereſt, and reducing the principal, of the public debt

37th Geo. 3d.

of this Province, and of the ſeveral Acts in addition to, or amendment thereof. Alſo, an Act, made in the thirty-ſeventh year of His preſent Majeſty's reign, entitled, An Act to amend, and continue for one year, an Act, paſſed in the thirty-third year of His Majeſty's reign, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying the intereſt, and reducing the principal, of the public debt of this Province. Alſo, an Act, paſſed in the thirty-eighth

38th Geo. 3d.

year of His preſent Majeſty's reign, entitled, An Act to enable the officers of His Majeſty's navy to obtain a drawback of the duties on wines, by them taken out of this Province, and conſumed without the limits thereof. And alſo the ſecond, third, fourth and fifth, clauſes of

2d. 3d. 4th. and 5th clauſes of Act 39th Geo. 3d.

an Act, paſſed in the thirty ninth year of His preſent Majeſty's reign, entitled, An Act to provide for the ſupport of His Majeſty's government in this Province, by reviving, altering and continuing, the ſeveral revenue laws which were in force the laſt year, and are herein

40th Geo. 3d.

particularly mentioned. Alſo, an Act, paſſed in the fortieth year of His preſent Majeſty's reign, to alter, amend, and continue in force, the ſeveral revenue laws, for granting to His Majeſty certain duties on wine, rum and other diſtilled ſpirituous liquors, brown ſugar, and other articles therein mentioned; and for enabling the officers of His Majeſty's navy to obtain a drawback of the duties on wines carried and conſumed by them out of the limits of the Province.

II. *And be it further enacted*, That the Collectors of Impoſt and Exciſe may and ſhall continue to retain one penny per gallon of the duties ſecured on all wine, rum, and other ſpirituous liquors

liquors imported into the Province, and afterwards exported conformable to the rules and regulations preſcribed in the Act, paſſed in the thirty-third year of His Majeſty's reign, entitled, An Act for granting to His Majeſty certain duties on wine, rum, and other diſtilled ſpirituous liquors, and brown ſugar, for the purpoſe of paying the intereſt, and reducing the principal, of the public debt of this Province: and every matter, clauſe and thing, contained in this, and in all and every of the above recited Acts, and alſo in all ſuch Acts as have been made in explanation, amendment or alteration, of any or either of ſaid Acts, ſhall be, and are hereby, continued in force until the thirty-firſt day of July, which will be in the year of our Lord one thouſand eight hundred and two.

One penny per gallon to be retained from the duty on Wine, &c. when exported.

Continued to the preſent period.

CAP. XII.

An ACT in addition to, and in amendment of, an Act, made and paſſed in the Thirty-ninth year of His preſent Majeſty's reign, entitled, An Act for raiſing a Revenue to repair the roads throughout the Province, by laying a duty on perſons hereafter to be licenſed to keep Public Houſes, or Shops, for the retail of Spirituous Liquors, and for regulating ſuch Public Houſes and Shops.

Preamble.

WHEREAS *in conſequence of certain regulations and proviſions made and eſtabliſhed in and by the ſaid Act, a conſiderable increaſe of duty devolves on the Clerks of the Peace, for which no recompence whatever is by law provided:*

Perſons taking out a licence for retail of ſpirituous liquors to pay 2s. 6d. to Clerk of the Peace, for his trouble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That each and every perſon who ſhall hereafter obtain or take out a licence for the retailing of ſpirituous liquors, beſides the fees now paid to the Clerk of the Licences, ſhall pay to the Clerk of the Peace the ſum of two ſhillings and ſix pence in full for his attendance to take the uſual recognizance for entering the names and proceedings in the minute book of the Seſſions, and for all other his ſervices in and about the granting of ſuch licence.

Continued to the preſent period.

II. *And be it further enacted,* That this Act, and every matter, clauſe and thing, therein contained, ſhall be and continue, and the ſame is hereby continued in force until the thirty-firſt day of July, which will be in the year of our Lord one thouſand eight hundred and two.

CAP. XIII.

Expired.

An ACT to continue an Act, made in the Thirty-ſeventh year of His preſent Majeſty's reign, entitled, An Act to revive, and continue, an Act, paſſed in the Thirty-third year of the reign of His preſent Majeſty, entitled, An Act in amendment of, and in addition to, an Act, made in the Thirty-third year of the reign of His late Majeſty, entitled, An Act for regulating, and maintaining, a Light Houſe on Sambro Iſland, and in addition to, and amendment of, an Act, made in the Twenty-eighth year of His preſent Majeſty's reign, entitled, An Act for regulating, and maintaining, a Light Houſe at the entrance of Shelburne Harbour.

CAP.

CAP. XIV.

An ACT for the Security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded upon the coasts of this Province, and for punishing persons who shall steal Shipwrecked Goods, and for the relief of persons suffering loss thereby.

Preamble.

WHEREAS *the preservation of shipwrecked goods, as well as the punishment of persons who shall plunder or conceal the same, are of great importance:*

Shipwrecked Goods, &c. to be preserved for the owners, and persons discovering the same to give notice to Sheriff, Coroner, or Officers of Customs.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That all wrecked, stranded or abandoned, ships or vessels, and shipwrecked goods of every kind and denomination whatsoever, whether appertaining to the vessel, cargo, or otherwise, which shall be forced on shore, wrecked or stranded, upon the coasts of this Province, or of the Island of Sable, or which shall be found floating in the rivers, bays or harbors, thereof, or so near to the coast thereof as to be within soundings, shall be carefully preserved, and taken care of for the right owner or owners, and the person or persons discovering or finding the same, shall give immediate notice to any one or more of the several officers hereafter named, viz. to the Sheriff of the County, Coroner, Officers of the Customs, Officers of Impost and Excise, or Justices of the Peace, whichsoever of them, or either or any of them, shall be nearest at hand, and such officer or officers, or a majority of them, if more than one shall attend, shall immediately take all necessary measures for securing and preserving of all such ships, vessels, goods, effects, and property of every kind, and shall proceed therewith as herein after directed; and if any person or persons whatsoever, shall plunder, steal, take away or destroy, any wrecked, stranded or abandoned, ships or vessels, or any kind of goods, wares and merchandise whatsoever, which shall be wrecked, lost, stranded, or cast on shore, on the coasts of this Province, or of the Island of Sable, or shall steal, or take away, any kind of shipwrecked or lost goods, wares or merchandise, which shall be found floating in the rivers, bays or harbours, of this Province, or contiguous to the shores thereof, except so far as may be necessary to bring the same to the shore for security, or shall plunder, steal, or take away, any of the tackle, apparel, furniture or provision, of any ship or vessel so found wrecked, stranded or cast away as aforesaid, (whether there be any living creature on board such ship or vessel or not) or shall beat, wound, or otherwise wilfully obstruct, any person or persons endeavoring to save his, her or their, life or lives, from such ship or vessel, or shall put out any false light or lights, with intention to bring any ship or vessel into danger, then, and in all such cases, the person or persons so offending, shall be deemed guilty of felony, and, being lawfully convicted thereof, shall suffer death, as in cases of felony, without benefit of clergy.

Persons to be punished who steal, or obstruct persons employed in saving property.

Persons to suffer death who put out false lights.

If the amount stolen does not exceed 40s. person punished for Petit Larceny.

II. *Provided always, and be it enacted*, That when any goods or effects, which are under the value of forty shillings, shall be lost, stranded, or cast on shore as aforesaid, if the same be stolen without any circumstances of cruelty, outrage or violence, the person or persons convicted of such stealing, shall suffer only the punishment which the laws direct in cases of petit larceny.

Justices to issue Warrants for goods stole from wrecks, or concealed, and persons guilty to be sent to Gaol.

III. *And be it further enacted*, That all and every His Majesty's Justices of the Peace throughout the Province, shall, upon information made before him or them, on oath, that any kind of lost or shipwrecked goods, as aforesaid, or any thing belonging to any vessel, lost or stranded, as aforesaid, has been carried away, or concealed, in any place whatsoever, such Justice, or Justices, shall issue his or their warrant or warrants, for searching of all places, where the same shall be suspected to be concealed, and if any such goods be found in the custody or keeping of

any

any perſon or perſons whatſoever, who ſhall appear to ſuch Juſtice, or Juſtices, to have wilfully concealed, hid or kept, ſuch goods from being found with a fraudulent intention, it ſhall and may be lawful for ſuch Juſtice, or Juſtices, to commit ſuch perſon or perſons to the county jail, there to remain until he, ſhe or they, may be delivered therefrom by due courſe of law.

Officers impowered to demand aſſiſtance of the inhabitants contiguous to a wreck.

IV. *And be it further enacted*, That the officers herein before named, or any one or more of them, when any ſhip or veſſel ſhall be in danger of ſhipwreck, or when any veſſel or goods, ſhall be wrecked or caſt on ſhore, or ſhall be diſcovered floating as aforeſaid, to require and command as many men of the neighbourhood, as ſhall be thought neceſſary to aid and aſſiſt in the preſervation of the lives of the people on board ſuch ſhip or veſſel, and to preſerve and ſave the veſſels' goods, or whatever elſe may be wrecked or loſt, or in danger thereof; and ſuch officer or officers, may, if neceſſary, command or order the maſter, or principal officer, of any ſhip or veſſel, which may be at anchor near to the place where ſuch aſſiſtance ſhall be required, to furniſh aſſiſtance with his or their boats, and as many men as they can conveniently ſpare, and all perſons ſo ordered by ſuch officer or officers to aid and aſſiſt for the purpoſes aforeſaid, are required to give their attendance accordingly, and to yield ready obedience to the orders which ſuch officer or officers ſhall, from time to time, give for the accompliſhment of the purpoſes aforeſaid, and if any perſon or perſons whatſoever, when commanded by ſuch officer or officers to give his or their attendance for the purpoſes aforeſaid, or when notified ſo to do, by a perſon appointed by ſuch officer or officers for that purpoſe, ſhall refuſe to attend and give his aſſiſtance, or ſhall diſobey any of the lawful orders which ſuch officer or officers ſhall give to ſuch perſon or perſons, touching or concerning the premiſes, it ſhall and may be lawful for any one of His Majeſty's Juſtices of the Peace, on complaint made thereof on oath, to commit ſuch offender or offenders to the county jail for trial, unleſs he or they ſhall give good ſecurity, to appear and anſwer to ſuch complaint at the next General Seſſions of the Peace, for the county or diſtrict wherein ſuch offence ſhall have been committed, and if ſuch perſon or perſons ſhall, on information to be exhibited againſt him or them, be found guilty, the perſon or perſons ſo convicted, ſhall each pay a fine not exceeding fifty pounds, or be impriſoned in the county jail, for a term not exceeding ſix months, at the diſcretion of the Juſtices of ſaid Seſſions, and according to the nature and circumſtances of the offence, and for the encouragement of ſuch perſon or perſons, as give aſſiſtance to ſuch ſhips or veſſels ſo in diſtreſs, or to the people or crew thereof, who may be in danger, or who ſhall aſſiſt in the ſecuring and preſerving for the right owners any property whatſoever, which ſhall be wrecked, loſt, caſt on ſhore, or found floating as aforeſaid, ſuch perſon or perſons ſhall, within thirty days after the ſervice performed, be paid a reaſonable reward for the ſame, by the commander, principal officer, mariners, ſeamen or owners, of the veſſel, goods, or property preſerved as aforeſaid; and the goods and property ſo ſaved, or in default thereof, the veſſel or her materials ſhall remain and be held in the cuſtody of any or either of the herein before named officers, until ſuch charges be paid, and the officer or officers, and all others who ſhall aid in performing ſuch ſervice, ſhall be reaſonably gratified for the aſſiſtance which he or they have actually and fairly given, touching or concerning the premiſes. *Provided always*, that no perſon or perſons ſhall be entitled to receive any gratification for his or their ſervice, if during the time thereof, he or they ſhall have been guilty of diſhoneſty, miſbehaviour, or diſorderly conduct of any kind, and unleſs the officer or officers, if any ſuch ſhall attend and direct the making of ſuch ſalvage, ſhall certify the ſervices actually performed by each and every perſon who ſhall demand gratification, and the quantum of ſuch reward or gratification, to be paid to the officer or officers, perſon or perſons, claiming the ſame, ſhall be adjuſted and ſettled on a reference to be made to three of the neighbouring Juſtices of the Peace, to be mutually choſen by the parties; which Juſtices ſhall adjuſt the quantum of the reward or gratification,

Perſons to be paid for aſſiſting

Perſons guilty of diſhoneſty, miſbehaviour, &c. to receive no compenſation.

The quantum of reward to be ſettled by three Juſtices.

cation, to be paid to the persons employed in making such salvage, and such adjustment shall be binding to all parties, and shall be recoverable in an action at law, to be brought in any of His Majesty's Courts of Record in this Province, by the parties to whom the same shall be allotted, and in case it shall happen that no person or persons shall appear, to make his claim to all or any the goods that shall be saved, that then, and in such case, the officer or officers in whose custody the same may be, shall sell so much thereof as will be sufficient to satisfy, and pay, the sum or sums of money adjusted, and allowed, for the salvage thereof, with incidental charges incurred, or if the goods are in danger of perishing, or of being otherwise lost by delay, then the whole to be sold; and shall put some principal officer of His Majesty's Customs, or some other responsible person, in case no such officer is present to receive the same into immediate possession of the goods or money remaining after payment of the salvage and costs aforesaid, first taking an account in writing of the said goods, or money, to be signed by the officer of the Customs, or person receiving the same, and if the said money, or goods, shall not be legally claimed within the space of twelve months next ensuing by the owner thereof, such of the goods as may be on hand shall be forthwith sold at Public Auction, and the monies arising from such sale or sales, reasonable charges being first deducted, with a fair and just account of the whole, shall be paid into the Treasury of this Province, there to remain for the benefit of the rightful owner when appearing, who, upon affidavit, or other proof made of his, or their, right or property therein, to the satisfaction of the Chief Justice, or one of the Justices of the Supreme Court, shall, upon his order, receive the same out of the Treasury.

When no person appears to claim goods, part to be sold to pay salvage.

If no persons appear to claim property the proceeds to be paid into the Treasury

V. *Provided always, and be it further enacted*, That it shall not be lawful for any person or persons whatsoever, under pretence of making salvage, under the authority of this Act, or under any pretence whatsoever, to meddle or interfere with any kind of property whatsoever, if there be found any person or persons whatsoever in the charge or custody thereof, unless such person or persons shall require his or their assistance, in which case notice shall be immediately given to one or more of the officers herein before named, that such assistance is wanted, and it shall and may be lawful for the master, or other person or persons having charge of any ship or vessel, or property so wrecked, or in distress, or for the officer or officers who shall come to his or their assistance, to repel by force any person or persons who shall dare to enter such ship or vessel, or to meddle with such property, without his or their leave, consent or orders: and the person or persons who shall molest or disturb those having charge of such property, and employed in making salvage thereof, or who shall molest, insult or disturb, the officer or officers herein before named, and those acting under his or their authority, in and about the premises, such person or persons, if convicted thereof in the Supreme Court, or General Sessions of the Peace, for the county or district, shall be punished as for a misdemeanour.

If the property be found in charge of any person or persons, no one to interfere, unless requested.

Persons in possession, may repel any who shall dare enter the vessel, or interfere with those employed in saving the property.

VI. *And be it further enacted*, That if any person or persons whatsoever shall be sued or prosecuted for any thing done in pursuance and execution of this Act, such person or persons, in whatever Court such suit or prosecution shall be commenced, may give this Act, and the special matter, in evidence on the general issue, and shall have his costs awarded him, if entitled thereto, from the plaintiff or prosecutor, with the usual remedy for the recovery thereof: and in case any proceedings whatsoever, touching or concerning the execution of this Act, shall be removed by Certiorari, or otherwise, from any inferior jurisdiction in the Province, into the Supreme Court, the Justices of said Supreme Court shall, and they are hereby impowered to, enquire into the real merits of the case, and if it shall appear that such inferior jurisdiction has acted according to the real justice of the case, such proceedings shall be affirmed, notwithstanding the want of legal form therein: and if, on such enquiry, it shall appear to said Supreme Court that such inferior jurisdiction has proceeded with just and honest intentions, and has been guilty of no wilful error, the said Supreme Court shall, without reversing the whole of the proceedings

Persons sued may give this Act, &c. in issue.

Proceedings may be removed by Certiorari to Supreme Court.

of

of ſuch inferior juriſdiction, proceed to amend and correct the ſame, and ſhall give ſuch final judgment upon the merits of ſuch caſe, as ſhall be agreeable to law and juſtice, and ſhall only wholly reverſe the proceedings of ſuch inferior juriſdiction, for wilful and corrupt error appearing on the face thereof, or being otherwiſe proved to the ſatisfaction of ſaid Court.

Perſons to ſuffer death who make any hole in a veſſel, or otherwiſe attempt to deſtroy her.

VII. *And be it further enacted*, That if any perſon or perſons whatſoever, ſhall make, or aid, or aſſiſt, in the making any hole or paſſage, in the bottom, ſide, or any other part of any ſhip or veſſel, whether in diſtreſs or otherwiſe, if done with an intention wilfully to increaſe the diſtreſs of ſuch ſhip or veſſel, or to produce the loſs or deſtruction of a ſhip or veſſel, not being in diſtreſs, or ſhall ſteal, or take away, or wilfully deſtroy, or in any other way wilfully render uſeleſs, the pump of a ſhip or veſſel, whether in diſtreſs or not, if ſo done with a wilful intention to produce the loſs or other danger of ſuch ſhip or veſſel, or ſhall wilfully do any other matter or thing whatſoever, tending to produce the immediate loſs or deſtruction of any ſhip or veſſel whatſoever, ſuch perſon or perſons ſhall be, and are hereby, made guilty of felony, without any benefit of his, her or their, clergy.

And whereas *it is of the utmoſt conſequence to the ſecurity and ſafety of navigation, that no perſon or perſons whatſoever, but ſuch as are truſt worthy, ſhould ſettle on, or take up a temporary reſidence on, the Iſland of Sable, whether for the purpoſe of fiſhing or otherwiſe:*

Sable Iſland to be inſpected, and perſons apprehended who reſide there without licence, to be ſent to Halifax, and impriſoned ſix months.

VIII. *Be it therefore enacted*, That it ſhall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, ſo often as it ſhall be deemed expedient and neceſſary, to cauſe the ſaid Iſland of Sable to be viewed, and inſpected, by a fit and proper perſon, to be by him, from time to time, appointed for that purpoſe; and if any perſon or perſons, whatſoever, ſhall be found reſiding on ſaid Iſland, who ſhall have voluntarily gone there, either for the purpoſe of fiſhing, or for any other purpoſe whatſoever, it ſhall and may be lawful for the perſon or perſons, ſo appointed to inſpect ſaid Iſland, to take and apprehend ſuch perſon or perſons, (unleſs he, ſhe or they, ſhall produce to him a licence, under the hand and ſeal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, deſcribing therein the perſon of him or them ſo found on ſaid Iſland, and authoriſing the perſon or perſons named and deſcribed in ſuch licence to go upon ſaid Iſland, and to take up a permanent or temporary reſidence thereon) and to bring him, her or them, priſoner or priſoners to Halifax, together with all ſuch goods, or property of any kind, found in his or their poſſeſſion, and upon due proof being made before any three of His Majeſty's Juſtices of the Peace, that ſuch perſon or perſons had wilfully gone on ſaid Iſland, and was found ſojourning there without licence as aforeſaid, it ſhall and may be lawful for ſuch Juſtices to commit ſuch perſon or perſons to jail, to be impriſoned therein for a ſpace not exceeding ſix months, and until he, ſhe or they, ſhall give ſecurity for his, her or their, future good behaviour, and ſo much of the goods and effects found on ſaid Iſland, of whatſoever kind or nature ſoever, in the poſſeſſion or cuſtody of ſuch perſon or perſons, as ſhall be ſufficient to pay the charge of removing ſuch perſon or perſons with ſuch effects, ſhall, by order of ſuch Juſtices, be ſold, and the neat proceeds of the ſame ſhall be applied to the payment of ſuch charges and expences, and the reſidue returned to the owner or owners, unleſs ſuch goods and property ſhall appear to have been caſt on the ſhore of ſaid Iſland by the ſea, or to have been procured from ſome wrecked or ſtranded ſhip or veſſel, in which caſe ſuch kind of property ſhall be ſold, and the neat proceeds thereof, after payment of the charges, ſhall be paid to the proprietor, or his agent, on due proof of ownerſhip being made; or, otherwiſe, lodged in the Treaſury of the Province for the right owner or owners, agreeably to the rules and regulations herein before ſet forth.

Goods caſt on the ſhore of the Iſland, and found in poſſeſſion of a perſon on the Iſland how to be diſpoſed of.

This Act to be read by Clerk of the Peace, at a day of General Seſſions.

IX. *And be it further enacted*, That the Clerk of the Peace ſhall, on the firſt day of each and every General Seſſions of the Peace, in every county and diſtrict of this Province, immediately on the opening of ſaid Court, and before the Grand Jury ſhall depart from the Court, diſtinctly

diſtinctly read aloud this Act, and every matter, clauſe or thing, therein contained; and the Clerk or Clerks of the Peace, who ſhall neglect ſo to do, ſhall, for every ſuch neglect, forfeit and pay to the perſon who ſhall inform againſt him or them, the ſum of twenty ſhillings, the ſame to be recovered on conviction before the Juſtices of ſuch Court of General Seſſions.

Act continued to until July 31ſt, 1804.

X. *And be it further enacted*, That this Act, and every clauſe, matter and thing, therein contained, ſhall continue, and be in force, for and during the term of three years, from and after the publication hereof, and no longer.

This Act approved of by His Majeſty, and further continued.

XI. *And be it further enacted*, That nothing herein contained ſhall be of force, or effect, until His Majeſty's pleaſure be known thereon.

CAP. XV.

An ACT to revive, continue and amend, an Act, paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act to regulate the Summary Trial of Actions, before His Majeſty's Juſtices of the Peace, in the Town and Peninſula of Halifax.

Preamble.

WHEREAS *the ſaid Act was found beneficial during the continuance of it, and much inconvenience has ariſen ſince the expiration thereof, for remedy whereof:*

Act revived to regulate the Summary Trial of Actions.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the publication hereof, the ſaid recited Act, entitled, "An Act to regulate the ſummary trial of actions, before His Majeſty's Juſtices of the Peace in the town and peninſula of Halifax, and every matter, clauſe and thing, therein contained, (except ſo much thereof as may be altered or changed by any thing contained in this Act) ſhall be, and the ſame are hereby, revived and continued in full force and virtue, the ſame as if the ſaid Act had not expired.

Juſtices to appoint a Clerk.

II. *And be it further enacted*, That a Special Seſſions of the Peace ſhall be held in the ſaid town of Halifax, as ſoon as conveniently may be, after the publication of this Act, at which time ſaid Juſtices ſhall appoint a Clerk for ſaid Rotation Court, and a liſt ſhall be made out by ſaid Juſtices of all ſuch of His Majeſty's Juſtices of the Peace, as, in the opinion of ſaid Juſtices, are beſt qualified, and will be moſt likely punctually to attend the duties of ſaid Court, which liſt ſhall be delivered to the ſaid Clerk; and the Juſtices named therein, whether of the quorum or otherwiſe, ſhall be called on, in rotation, to ſerve in ſaid Court, purſuant to the proviſions contained in the ſaid Act hereby revived, any thing therein contained to the contrary notwithſtanding; and ſuch liſt ſhall, at every Quarter Seſſions of the Peace, at a day to be ſpecially appointed for that purpoſe, or at a Special Seſſions of the Peace, to be called particularly for that purpoſe, be reviewed, altered and amended, ſo as to keep conſtantly thereon a ſufficient number of Juſtices, who will zealouſly execute the duties of ſaid Court, and the ſaid General or Special Seſſions, ſhall likewiſe ſelect from the Conſtables of ſaid town, a ſufficient number of the moſt capable, and ſhall deliver a liſt of their names to the ſaid Clerk, who ſhall ſummon them to attend the duties of ſaid Court, each in rotation, for ſuch period of time, as the ſaid Juſtices ſhall appoint, and the ſaid Juſtices ſhall, before the expiration of one month after the publication of this Act, take every meaſure requiſite for the opening of ſaid Court, and ſhall publiſh the time and place when and where ſaid Court ſhall be opened and held, as likewiſe the name of the Clerk of the ſaid Rotation Court, and the place where his office ſhall be held, and the hours during which ſuch Clerk ſhall be obliged to keep his office open throughout the year.

Juſtices to ſerve in Rotation.

The name of the Clerk and the place where he holds his office to be publiſhed.

Power taken from three Juſtices to try cauſes not exceeding 3l.

III. *And be it further enacted*, That, from and after the opening of ſaid Rotation Court, ſo much of the juriſdiction given to one or more Juſtices of the Peace, within the ſaid town and peninſula of Halifax, as reſpects the trial of civil cauſes for ſums not exceeding three pounds

and

and the recovery of all penalties and forfeitures impoſed by law on any offender or offenders, or the awarding any puniſhment or puniſhments whatſoever, of which one or more Juſtice or Juſtices could heretofore take cognizance, ſhall be veſted in the Juſtices compoſing ſaid Rotation Court, to be adminiſtered by them purſuant to the proviſions contained in this Act, and the ſaid Act hereby revived; and any proceedings whatſoever in ſuch cauſes, before any perſon or perſons after the opening of ſaid Rotation Court, ſhall be, and are hereby, declared to be null and void, any thing in any law of this Province, not hereby expreſsly repealed, to the contrary thereof notwithſtanding. *Provided always*, That nothing in this clauſe ſhall extend, or be conſtrued to extend, to prevent any one or more Juſtices of the Peace within the ſaid town and peninſula of Halifax, from exerciſing the juriſdiction given them by the eighth ſection of the ſaid Act hereby revived.

and given to the Rotation Court.

Juſtices to retain the Power they poſſeſſed by the 8th ſection of the Act revived.

IV. *And be it further enacted*, That upon an alarm of fire, or any other diſturbance, all the Juſtices whoſe names are on the rotation liſt, or a ſufficient number of them for compoſing the ſaid Court, ſhall attend at the uſual place of holding the ſame during the time ſuch diſturbance ſhall laſt, and all buſineſs then tranſacted ſhall be as good, and valid, as if the ſame were done at the ſtated and fixed time or times of holding the ſaid Court.

In caſe of Fire, the Juſtices to hold Rotation Court at the uſual place.

V. *And be it further enacted*, That the Clerk of the Rotation Court ſhall and may, when and ſo often as any one of His Majeſty's Juſtices of the Peace ſhall require it in writing, ſummon a Special Rotation Court, to be held at any time previous to the ſtated days and times appointed for holding the ſame, and the buſineſs tranſacted at ſuch Special Court ſhall be valid in all reſpects as if done by ſaid Court, at its ſtated time or times of ſitting, and in caſe any one or more, of the three Juſtices, whoſe turn it ſhall be to ſit in ſaid Court, ſhall be prevented from giving his attendance at any one or more of the ſittings of ſaid Court, whether a Special Court or otherwiſe, one of the other Juſtices, in rotation on the ſaid liſt, ſhall be ſummoned to ſerve in the place of the Juſtice ſo abſent, and the Juſtice ſo abſent ſhall ſerve a like number of days for the Juſtice or Juſtices ſo doing his duty.

Clerk to ſummon Special Rotation Court, when required, in writing.

VI. *And be it further enacted*, That the ſaid Act hereby revived, together with this Act, ſhall be and continue in full force and virtue until the thirty-firſt day of July, which will be in the year of our Lord one thouſand eight hundred and two.

This Act has been further continued.

CAP. XVI.

An ACT to continue an Act, made and paſſed in the Twenty-ninth year of His preſent Majeſty's reign, entitled, An Act for the better ſupport of the Poor in the reſpective Counties within this Province, by laying an Impoſt Duty on articles imported into this Province, from the United States of America.

Expired.

CAP.

CAP. XVII.

Expired.

An ACT to continue an Act, paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province; and alſo the Act in amendment thereof, paſſed in the laſt Seſſion of General Aſſembly, entitled, An Act to alter, amend and continue, an Act, made and paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province.

CAP. XVIII.

An ACT for applying certain monies, therein mentioned, for the ſervice of the year of our Lord one thouſand eight hundred and one; and for appropriating ſuch part of the Supplies, granted in this Seſſion of the General Aſſembly, as are not already appropriated by the Laws or Acts of the Province.

[The 1ſt. 2d. 3d. 11th. and 17th. Sections of this Act are not printed, the ſame having been executed; the other Sections are printed, they being continued in force by ſubſequent Appropriation Acts.]

Appointment of Commiſſioners for expending monies voted for the ſervice of roads and bridges

IV. *And be it further enacted*, That it ſhall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majeſty's Council, from time to time, to nominate one fit and proper perſon for the expenditure of each ſum of money voted the preſent Seſſion for the repair of roads and bridges, ſuch perſon to act as Commiſſioner and Truſtee, for the purpoſe of directing and ſuperintending the making, building or repairing, ſuch roads and bridges, within each county and diſtrict in the Province, as ſhall have been directed to be made, built or repaired, the preſent Seſſion of General Aſſembly, and for the doing of which a particular ſum of money ſhall have been granted; and it ſhall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majeſty's Council, at pleaſure, to remove any or all of the ſaid Commiſſioners, and to appoint others in their room; and the Secretary of the Province ſhall furniſh, to the Treaſurer of the Province, a liſt of the names of ſuch Commiſſioners, and the particular ſum of money for which each perſon ſhall be reſpectively appointed, and alſo ſhall furniſh ſaid Treaſurer, from time to time, with a liſt of any alteration that may be made in the ſaid Commiſſioners.

Treaſurer of the Province to be furniſhed with a liſt of the Commiſſioners ſo appointed.

How Commiſſioners are to proceed on making, building, or repairing, any bridge or road, ordered to be made or repaired by the General Aſſembly.

V. *And be it further enacted*, That it ſhall not be lawful for any of the ſaid Commiſſioners or Truſtees, to proceed on making, building or repairing, any bridge or road, ordered to be made, built or repaired, for which a ſum of money ſhall have been particularly appropriated this Seſſion, in any other way than by contract, having firſt taken care to give due notice of ſuch contract, before the ſame ſhall be cloſed, all which contracts ſhall be in writing, ſigned by the parties, and exact copies ſhall immediately be tranſmitted to the Treaſurer of the Province. *Provided always*, that each of ſuch Commiſſioners, before they enter into ſuch contract, ſhall require reaſonable ſecurity from the contractor or contractors, that he or they ſhall perform

perform such contract; and if the contractor or contractors shall require any money to be paid in advance, such Commissioners may, from time to time, advance any part of the amount of said contract, not exceeding, at any one time, one third part of the whole; and no advance to be made, until two sufficient bondsmen become bound with said contractor or contractors, in double the sum to be advanced, that he or they will perform and complete such contract; and no second advance shall be made to such contractor, until one half part of said work shall be executed, examined and passed, as having been done in a workman-like manner, agreeable to contract, and the said Commissioner shall so word his contract, that the same shall be finished within a limited time, and that he shall always withold the payment of one third part of the full amount thereof, until such work shall be finished, and fully executed agreeably to contract.

Work to be done by Contract, and security taken for money advanced

VI. *And be it further enacted*, That the said Commissioners shall account exactly in the manner hereafter mentioned for the money from time to time advanced to them, and shall pay the contractor or contractors in money, and not in any other manner whatsoever. And when such Commissioner or Commissioners have had their accounts passed, or approved of, by His Majesty's Council and House of Assembly, and shall, in the first instance, have obtained a certificate from the Justices in their Sessions, and the Grand Jury for the county and district in which the Commissioner of such road or bridge shall reside, that such contract or contracts have been faithfully executed, and the money voted for such work properly laid out, such Commissioners shall be entitled to claim and receive so much per cent. on the sum so expended, as shall hereafter be judged to be a reasonable compensation for the service of such Commissioner. And all the Commissioners who have been, or shall be, appointed to expend the several sums of money, voted in the last Session of General Assembly, for the repair of bridges and roads, shall account for the expenditure of the money trusted to them in the manner herein before directed, and shall be entitled to the same allowance when their accounts shall have been certified, passed and approved of, as aforesaid.

Commissioners how to account & entitled to compensation, when their accounts are regularly passed.

VII. *And be it further enacted*, That when any contractor or contractors for repairing of roads throughout the Province, shall do any work on such road or roads at any time after the fifteenth day of October, it shall not be lawful for the Commissioner or Commissioners for such roads, to receive such work from such contractor or contractors, or to pay for the same until such road or roads shall have been examined and certified, on or after the first day of June following, to be then in the state and condition they were contracted for to be made.

Roads made or repaired after the 15th day of October, not to be certified, as completed, until the 1st of June following.

VIII. *And be it further enacted*, That the several sums which are hereby granted to the Commissioners of roads, are in full for their respective services during the past years, and each sum shall and may be divided between the Commissioners, acting under each commission, in such shares and proportions, as each of the persons named therein shall be entitled to, according to the services which each person may have actually performed in the execution thereof.

Sums granted to Commissioners of Roads for their services, when acting under one commission, to be divided.

IX. *And be it further enacted*, That whenever it shall be necessary to hold a Court of Nisi Prius, or Oyer and Terminer, or General Jail delivery, in any of the counties of this Province, the Judge of the Supreme Court, who shall be ordered to hold such Court, shall be allowed and paid at the rate of one pound three shillings and four pence per day, to pay his expences; and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to order the same by warrant, to be paid out of the Treasury of the Province; such daily allowance to be computed from the day on which such Judge leaves his home, until the day of his return, and no longer.

Judge of Supreme Court, when ordered to hold Court of Nisi Prius, &c. to be allowed 1l. 3s. 4d per day for his expences.

X. *And be it further enacted*, That the Commissioners of the Revenue for the time being, shall be Commissioners for the purpose of directing, ordering, and contracting for, such repairs as may be necessary at the Government-House; and that all repairs hereafter to be made, shall be under the direction of the said Commissioners.

Commissioners of the Revenue to direct the repairs at the Government House.

XII.

Governor to draw money for ſupport of priſoners committed to the County Jail of Halifax.

XII. *And be it further enacted*, That it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw by warrant on the Treaſury ſuch ſum or ſums of money as may be neceſſary to defray the expences that may ariſe during the preſent year in maintaining priſoners committed to the county jail of Halifax, and not by law chargeable to the county, and alſo for the expence of bringing them to ſaid jail.

Allowance to Collectors of Impoſt and Exciſe.

XIII. *And be it further enacted*, That there ſhall be allowed and paid to the Collectors of Impoſt and Exciſe, out of all and ſingular the duties reſpectively collected by them, and paid in caſh into the treaſury of the Province, that is to ſay, to defray the charges of collection in the diſtrict of Halifax, four pounds ten ſhillings, and no more, on every hundred pounds there collected and paid; and ten pounds, and no more, on every hundred pounds collected and paid at all and every the other diſtricts and ports in this Province: which ſeveral allowances ſhall be in lieu of all fees, perquiſites, and allowances whatſoever. *Provided nevertheleſs*, That

No Trader to be Collector.

if any Collector of Impoſt and Exciſe ſhall, directly or indirectly, follow and exerciſe the buſineſs or trade of a merchant, ſhopkeeper or dealer, in any of the articles by law ſubject to the duties, he ſhall forfeit and pay for each and every offence, the ſum of fifty pounds: to be recovered in any of His Majeſty's Courts of Record in this Province, by bill, plaint or information, one half of which forfeiture ſhall be paid to His Majeſty, for the uſe of the Government of this Province, the other half to the perſon or perſons proſecuting for the ſame; and no commiſſion ſhall be allowed ſuch Collector on the duties by him collected for the year in which ſuch offence ſhall have been committed.

Allowance to Waiters & Guagers.

XIV. *And be it further enacted*, That it ſhall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint a fit and proper perſon, not being a Collector of Impoſt and Exciſe, as a Waiter and Guager in each of the out ports and diſtricts of this Province, who (the Waiters and Guager of Halifax excepted) ſhall be paid five pounds for every hundred pounds of net revenue collected in ſuch port or diſtrict (except as before excepted) and paid into the treaſury.

Coroners fees, expence of inqueſts, &c. how defrayed.

XV. *And be it further enacted*, That it ſhall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to pay, out of the treaſury of the Province, to the Coroners of the different counties, in lieu of all other fees or emoluments whatſoever, whether under the old table of fees or otherwiſe, the ſum of thirty ſhillings for every inqueſt taken on any dead body, and properly returned to the Clerk of the Crown, part of which ſum ſhall be applied for paying twelve ſhillings to the Jurors, and two ſhillings and ſix pence to the conſtable for their fees, and any further neceſſary charge attending ſuch inqueſt ſhall be returned to the Juſtices in their Seſſions, and the Grand Jury, and if approved of, and voted, by ſuch Jury, ſhall be paid by the county in which the ſame was taken. *Provided*, The ſaid Coroners ſhall render an account of the items of ſuch charges, and make due proof thereof.

Governor to draw warrants on the Treaſury, for the Juſtices of the Supreme Court, &c.

XVI. *And be it further enacted*, That it ſhall and may be lawful for the Governor, Lieutenant Governor, or Commander in the Chief for the time being, to draw warrants on the Treaſury for all ſuch ſums of money as are appointed by the perpetual laws of the Province to be paid to the Juſtices of the Supreme Court, college, and rent for public buildings.

Treaſurer paying monies out of the Treaſury, except under this Act, or ſome other, to pay good.

XVII. *And be it further enacted*, That it ſhall not be lawful for the Treaſurer of the Province, to pay any ſum or ſums of money out of the Treaſury of the Province, other than ſuch as are expreſſed and directed in this, or ſome other Act or Acts of the Province, under the penalty of five hundred pounds for every offence, to be recovered by any perſon or perſons who ſhall ſue for the ſame, in any of His Majeſty's Courts of Record in this Province, and to be applied to the uſe of ſuch perſon or perſons ſueing for the ſame.

Appointment of Commiſſioners of the Revenue, and their duty.

XIX. *And be it further enacted*, That to facilitate the collection of the Revenue, and the arrangement and liquidation of the Public Accounts, it ſhall and may be lawful for the Gover-

nor,

nor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate, and appoint, five fit perſons to act as Commiſſioners of the Revenue, to ſerve without fee or reward, and who ſhall be ſworn to the faithful and punctual diſcharge of their office, before they enter upon the execution thereof; which Commiſſioners, or any three of them, ſhall, and they are hereby empowered to, examine, and, on juſt cauſe ſhewn, to approve of, the claim or claims of all perſons demanding drawback of duties, upon ſuch dutiable articles as may have been imported, and the duties thereon paid or ſecured, and afterwards exported out of the Province, under, and in conformity to, the proviſions of any Act or Acts paſſed this preſent Seſſion of Aſſembly, and to grant certificate or certificates to ſuch claimants for the re-payment of ſuch duties as aforeſaid; and the Treaſurer of the Province is hereby impowered to direct and order all Public Accountants within the Province, quarterly, or at the end of every three months, to make up regular and correct returns of their receipts, payments, and other official proceedings, agreeable to ſuch forms as he ſhall preſcribe to them, and which returns, the ſaid Public Accountants are hereby directed to tranſmit to the Treaſurer's Office at Halifax, by the earlieſt conveyance after the end of each and every quarter as aforeſaid, and the ſaid Treaſurer ſhall examine, correct and audit, all accounts ſo ſent to his office as aforeſaid, and from time to time report thereon to the aforeſaid Commiſſioners; and ſhall alſo prepare, and deliver into the Committee of Public Accounts, of the General Aſſembly, at the next Seſſion, a report and general ſtatement of the Revenue, and Accounts of the Province.

Public Accountants, at the end of every three months to render their accounts to the Treaſurer, who muſt audit the ſame, and return a general ſtatement thereof to the Committee of public accounts.

XX. *And be it further enacted*, That it ſhall and may be lawful for the ſaid Commiſſioners, to direct, and carry on, proſecutions againſt all delinquent officers, and provincial debtors, and alſo proſecutions for ſeizures, forfeitures, and other breaches of the Revenue Laws.

Commiſſioners of Revenue to proſecute all delinquents.

XXI. *And be it further enacted*, That the Collectors of Impoſt and Exciſe ſhall keep a regular ſet of books, by double entry, wherein ſhall be opened accounts, with all and every importing merchant, debiting all entries, and crediting all receipts of money, permits, and certificates of drawbacks; which books ſhall be regularly balanced, and produced for inſpection, with their general accounts, when called for by the Treaſurer of the Province, or the Committee of Public Accounts; and the Collectors of Impoſt and Exciſe, are hereby directed to tranſmit, quarterly, to the Treaſurer of the Province, a liſt of permits by them given and received, for the removal of dutiable articles within the preceding quarter, under pain of removal from office, for neglect of this duty.

Account books of the Impoſt and Exciſe ſubject to the inſpection of the Treaſurer, and Committee of the public accounts.

Collectors of Impoſt and Exciſe to tranſmit to the Treaſurer, quarterly, liſt of permits granted for the removal of dutiable articles.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February, Anno Domino, 1800, and continued by ſeveral Prorogations to the twenty-fifth day of February, 1802; in the Forty-ſecond year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. being the Third Seſſion of the Eighth General Aſſembly, convened in the ſaid Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Juſtice and Preſident of Council; R. J. Uniacke, Speaker of the Aſſembly; James Gautier, Secretary of Council, and James B. Franklin, Clerk of Aſſembly.

CAP. I.

An ACT for eſtabliſhing a Circuit Court in the Diſtrict of Colcheſter.

Supreme Court to be held, annually, at Truro, the Thurſday before firſt Tueſday in June.

BE *it enacted by the Lieutenant-Governor, Council and Aſſembly*, That the Supreme Court ſhall be held, annually, at Truro, in the Diſtrict of Colcheſter, on the Thurſday preceding the firſt Tueſday of June, and ſhall not ſit longer than three days from the opening thereof.

In the abſence of the Chief Juſtice the ſaid Court to be held by one of the aſſiſtant Juſtices.

II. *And be it further enacted*, That in the abſence of the Chief Juſtice, the ſaid Supreme Court may be held at Truro aforeſaid, and alſo at Amherſt, in the county of Cumberland, by one of the aſſiſtant Juſtices of the ſaid Court, and ſuch perſon or perſons, being a Juſtice of the Common Pleas, or of the profeſſion of the law, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may, by advice of Council, aſſociate and commiſſion from time to time for that purpoſe, any law, uſage or cuſtom, to the contrary notwithſtanding.

If inconvenient, ſaid Court may be held elſewhere in the diſtrict.

III. *Provided always*, That in caſe it ſhall appear to the ſaid Court, after its firſt ſitting, that it will be more convenient to hold ſaid Court in any other part of ſaid diſtrict, it ſhall be lawful for ſaid Court to alter the place of holding ſaid Court to ſuch other place within the diſtrict as ſhall be conformable to the preſentment of the Grand Jury, that ſhall ſerve at ſuch Court.

CAP. II.

An ACT for the appointment of Inſpectors of Butter in the County of Cumberland.

Mode of appointing Inſpectors of Butter in County of Cumberland.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the publication hereof, the Juſtices, and Grand Jury, in the County of Cumberland, at their Seſſions, annually, may appoint one or more fit and proper perſon or perſons in each townſhip or diſtrict

diſtrict within ſaid County, to be Inſpector or Inſpectors of Butter, who ſhall be ſworn to the true and faithful performance of their office, as other town officers are: and ſuch Inſpector or Inſpectors of Butter ſhall receive three pence for each and every firkin of Butter ſo inſpected by them.

Inſpectors to brand the tare, and quality of the butter, &c.

II. *And be it further enacted*, That ſuch Inſpector or Inſpectors ſhall brand, on each and every firkin ſo inſpected, the tare of the firkin, and alſo the quality of the butter, whether prime, ſecond or third, together with the name of the county where ſuch butter is made. And if any ſuch Inſpector or Inſpectors, ſo appointed, ſhall refuſe to accept of ſuch office, or ſhall neglect or refuſe, when ſo appointed, to inſpect or examine any butter, being in firkin, he ſhall pay for every ſuch neglect or refuſal, the ſum of forty ſhillings, on conviction before any one of His Majeſty's Juſtices of the Peace in the ſaid county. One half of which ſum ſhall be paid to the informer, and the other half to be paid to the Overſeers of the Poor, for the benefit of the poor in ſuch townſhip or diſtrict.

Upon the appointed Inſpector refuſing to ſerve, to pay 40s.

No butter to be deemed merchantable except inſpected.

III. *And be it further enacted*, That no butter, being in firkins, ſhall be deemed merchantable, or ſhall be ſent out of the ſaid county, unleſs ſuch Butter ſhall have been inſpected by the perſon ſo appointed; and if any perſon or perſons ſhall ſend, or export, any butter in firkins for ſale from the ſaid county, without ſuch butter being inſpected as aforeſaid, he or they ſhall forfeit the ſum of ten ſhillings, for each and every firkin ſo ſent out, to be recovered and applied as aforeſaid.

CAP. III.

An ACT to enable the Juſtices of the Seſſions, and Grand Jury, for the County of Halifax, to raiſe ſuch Sums of Money, from time to time, as may be neceſſary to repair the Poor Houſe at Halifax, and, alſo, for building additions to the ſame.

Grand Jury to aſſeſs the inhabitants for the repair of the Poor houſe.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the publication hereof, it ſhall and may be lawful for the Grand Jury, of the county of Halifax, from time to time, at any General or Special Seſſions of the Peace, to preſent ſuch ſum or ſums of money as they may, from time to time, think neceſſary for repairing the poor-houſe at Halifax, and alſo, for building additions thereto; which preſentment, or preſentments, when confirmed by the Juſtices in their ſaid Seſſions, ſhall be aſſeſſed and collected in like manner as the poor or other county rates now are; and when ſo aſſeſſed, and collected, the amount thereof ſhall be paid to the Commiſſioners of the Poor for ſaid town of Halifax, to be by them expended in carrying on and making ſuch repairs and new building.

CAP. IV.

An ACT to regulate and eſtabliſh Fees in the Court of Chancery.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That the ſeveral Officers of the ſaid Court of Chancery ſhall, for ſervices to be performed by them, take and receive the following Fees:—

CHANCELLOR's FEES.

Chancellor's fees

Every hearing of a cauſe, each day, *twenty ſhillings*.
Pronouncing decree, and ſigning and ſealing the ſame, *three pounds ten ſhillings*.

COUNSEL AND SOLICITOR's FEES.

Counſel and Solicitor's Fees.

Retainining fee for counſel, *one pound three ſhillings and four pence.*

Taking inſtructions to draw a bill, *ten ſhillings.*

Taking inſtructions to draw an anſwer, *ten ſhillings.*

Making draught of a bill or anſwer, for every ninety words, *one ſhilling.*

Counſel's fee for examining and ſigning the draught of each bill or anſwer, *one pound three ſhillings and four pence.*

Engroſſing the ſame, every ninety words, *ſix pence.*

Entering an appearance in each cauſe, *ſix ſhillings and eight pence.*

Attending to file the bill, anſwer, affidavit or petition, *three ſhillings and four pence.*

Every ſubpœna, injunction, or other writ, *five ſhillings.*

Copies for ſervice, each, *two ſhillings and ſix pence.*

Drawing affidavit of ſervice of ſubpœna, injunction, order or notice, *three ſhillings and four-pence.*

Every Term fee, the terms to be computed according to the arrangement of Terms in the Supreme Court, *five ſhillings.*

Every petition, *five ſhillings.*

Attending to get the ſame anſwered, *five ſhillings.*

Solicitor's fee on every ſpecial motion to the Court, *five ſhillings.*

Counſel's fee for making or defending ſame, to be taxed, not to exceed, *two pounds ſix ſhillings and eight pence.*

Drawing up every rule or order, *two ſhillings and ſix pence.*

Engroſſing and filing the ſame, *two ſhillings and ſix pence.*

Each copy of a rule or order for ſervice, *one ſhilling.*

Drawing briefs in every cauſe, every ninety words, *one ſhilling.*

Fair copies, every ninety words, *ſix pence.*

Every recognizance, *three ſhillings and four pence.*

Replications, and all other pleadings in a cauſe, every ninety words, *one ſhilling.*

Engroſſing the ſame, every ninety words, *ſix pence.*

Counſel's fee for examining and ſigning each pleading, *one pound three ſhillings and four-pence.*

Drawing every notice, of any kind, *three ſhillings and four pence.*

Each copy for ſervice, *one ſhilling.*

Draughts of interrogatories, every ninety words, *one ſhilling.*

Counſel, for examining and ſigning the ſame, *one pound three ſhillings and four pence.*

Engroſſing interrogatories, every ninety words, *ſix pence.*

Setting down cauſe for trial, *three ſhillings and four pence.*

Counſel fee, on trial of a cauſe, to be taxed by the Court, but not to exceed the ſum of *five pounds ſixteen ſhillings and eight pence.*

Solicitor's fee attending Court each day on hearing of cauſe or motion, and attending ſales or references, each day, *ſix ſhillings and eight pence.*

Making up bill of coſts, *ſix ſhillings and eight pence.*

Solicitor attending taxation, *ſix ſhillings and eight pence.*

For ſerving every notice, order, ſubpœna, or other writ, on each perſon, *five ſhillings.*

Travel, per mile, *three pence.*

Draught of decree, every ninety words, *ſix pence.*

Attending Regiſter to compare decree before ſigning and ſealing, *ſix ſhillings and eight pence.*

Engroſſing the ſame, every ninety words, *ſix pence.*

Attending,

Attending to get decree ſealed and enrolled, *ſix ſhillings and eight pence.*

All other writing neceſſary to be done in the conducting cauſe, and allowed by the Court, every ninety words, *ſix pence.*

MASTER OF THE ROLLS, OR MASTER's FEES.

Each day hearing a cauſe, *eleven ſhillings and eight pence.*

Taking examinations of witneſſes, each day, *eleven ſhillings and eight pence.*

Reference for taxing coſts, and all other references on which ſpecial report ſhall be made, *one pound three ſhillings and four pence.*

Poundage on all ſales for receiving and paying the money, if leſs than five hundred pounds, *three per cent.* and all above five hundred pounds, *two per cent.* including Auctioneer's charges.

Drawing and executing every deed, *two pounds ſix ſhillings and eight pence.*

All coſts attending the execution of ſpecial commiſſions, to be taxed, and allowed by the Court.

Maſter of the Rolls, or Maſter's fees.

REGISTER's FEES.

Copies of all papers, every ninety words, *ſix pence.*

Comparing, ſigning and certifying copies, *two ſhillings and ſix pence*, each.

Signing every rule or order on petition, *one ſhilling.*

Sealing every writ, *three ſhillings and four pence.*

Every ſearch, *one ſhilling.*

Entering every bill, anſwer, plea, replication or demurrer, *two ſhillings and ſix pence.*

Filing all papers, each paper, *ſix pence.*

Attending every hearing, each day, *ten ſhillings.*

Making up final decree, enrolling and getting ſame ſealed, *eleven ſhillings and eight pence.*

Regiſter's fees.

II. *And be it further enacted*, That the Regiſter of the Court ſhall receive the Chancellor's fees, and be accountable therefor to him without fee or reward; and no other or greater fees than are herein ſpecified, ſhall be received, or taken, for any of the ſervices mentioned, and that if in any cauſe it ſhall be neceſſary to do or perform any ſervices, for which the fees are not particularly regulated by this Act, the ſame ſhall be taxed and allowed after ſuch rates as are herein ſpecified for ſimilar ſervices, and not otherwiſe.

Regiſter to receive the Chancellor's fees, and to be accountable therefor to him. No fees to be taken, except ſuch as are ſpecified in this Act.

CAP. V.

An ACT to enable the Juſtices and Grand Jury for the Diſtricts of Colcheſter and Pictou, to aſſeſs the Inhabitants of the ſaid Diſtricts, for the purpoſe of opening and repairing roads of communication from one ſettlement to another.

Preamble.

WHEREAS *the inhabitants of the Diſtricts of Colcheſter and Pictou, labour under many inconveniences in conſequence of the diſconnected ſituation of the different ſettlements within the ſame, and the ſtatute labour not being ſufficient to open and repair roads of communication:*

Juſtices and Grand Jury to aſſeſs the inhabitants on repairing of roads.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the publication hereof, where any road or communication is deemed neceſſary to be made, or any old road ſhall be out of repair, and the ſtatute labour is not ſufficient to open or repair the ſame, it ſhall and may be lawful for the Juſtices and Grand Jury for the diſtricts aforeſaid, at their General Seſſions, to be holden in January every year, to aſſeſs the inhabitants of the ſaid

diſtricts,

diſtricts, in ſuch ſums of money as ſhall be deemed neceſſary to open or repair ſuch roads: which ſums of money ſhall be aſſeſſed, and collected, and levied, as other county or diſtrict charges, and the ſame ſhall be laid out and expended for the ſole purpoſe of opening and repairing the road ſet forth in the preſentment, and for no other purpoſe whatſoever.

Perſons allowed to work inſtead of paying the aſſeſſment.

II. *And be it further enacted*, That in caſe any perſon who ſhall be aſſeſſed in any ſum of money, by virtue of this Act, ſhall prefer to work upon the road, for which ſuch money ſhall be raiſed, it ſhall and may be lawful for the Commiſſioners or Overſeers of the ſaid road, to apportion, and ſet off to ſuch perſon, a part of the ſaid road to be repaired, by ſuch perſon who ſhall require the ſame, which part of the road ſhall be repaired and made according to directions to be given him by the ſaid Commiſſioner or Overſeer; and if any perſon, after having undertaken to make or repair ſuch part of the ſaid road as ſhall be ſet off to him as aforeſaid, ſhall neglect to finiſh the ſame in the manner, and at the time, preſcribed, he ſhall be liable to pay the ſum of money aſſeſſed upon him, and the ſame ſhall be recovered in the manner herein before directed; *Provided nevertheleſs*, that all money or work ſo to be aſſeſſed, collected, levied, or done, ſhall be laid out, expended and done, within the bounds of the townſhip where the ſame is raiſed.

All money to be expended in the townſhip where collected.

Grand Jury to appoint a Commiſſioner or Overſeer.

III. *And be it further enacted*, That the Grand Jury ſhall nominate two fit and proper perſons, out of which the Court ſhall chooſe one for each townſhip or ſettlement ſo to be aſſeſſed, who ſhall be Commiſſioner or Overſeer for ſuperintending the faithful expenditure and application of the ſeveral ſums of money, or number of days work, within the different townſhips or ſettlements, in the ſaid diſtricts.

Commiſſioner or Overſeer to render an account of all monies.

IV. *And be it further enacted*, That all Commiſſioners or Overſeers, to be appointed under this Act, ſhall render an account to the General Seſſions of the ſaid diſtricts the next January Seſſions, after he or they ſhall be appointed, of all monies received by them, and of the expenditure of the ſame; and of all work done within the townſhip or ſettlement, or place, for which he or they ſhall be appointed.

CAP. VI.

An ACT to alter, and amend, an Act, paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act to alter, and amend, an Act, paſſed in the Thirty-third year of His late Majeſty's reign, entitled, An Act for regulating and maintaining an Houſe of Correction, or Work-houſe, within the Town of Halifax, and binding out Poor Children, and to extend certain proviſions therein to the whole of the Province.

Preamble.

WHEREAS *the houſe of correction for the town and peninſula of Halifax, for want of a ſeparate building for that expreſs purpoſe, is at preſent kept, partly, in the building uſually called the poor-houſe, and partly in the priſon:*

Acting Commiſſioner to have the ſuperintendance and direction of all perſons committed to the Houſe of Correction.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly*, That whenever the Juſtices in Seſſions, or any one Juſtice in the town and peninſula of Halifax, ſhall commit any idle or diſorderly perſon or perſons to the houſe of correction, the acting Commiſſioner of the Poor, for the time being, ſhall have the direction and ſuperintendance of all and every ſuch idle and diſorderly perſon and perſons, and may direct, as often as he ſhall ſee fit, the removal of any ſuch perſon or perſons to and from the poor-houſe, and jail, reſpectively, during the time for which ſuch perſon or perſons ſhall have been committed; and the keeper of ſuch jail ſhall, and

is

is hereby required, to obey all such orders as he shall receive from any acting Commissioner, as well with respect to the removal to the poor-house of any such disorderly person or persons who shall have been so committed to the county jail, as also to the receiving into the said jail any person or persons who shall have been committed to the poor-house for correction as aforesaid.

Commissioner to attend to the victualling, and employing, persons committed.

II. *And be it further enacted*, That it shall and may be lawful for the acting Commissioner of the poor-house, and he is hereby required, on application, to victual him, her or them, according to the table of the diet of the paupers in the poor-house, whether for full, middle or bridewell, allowance, for man or woman; and such acting Commissioner shall furnish to the keeper of such prison, proper materials for keeping all persons, so committed or removed to his custody, to hard labour, regard being had to age and sex: and the said keeper shall therewith keep such person or persons employed in the manner directed in the said Act, and shall account to the said Commissioner for the articles so entrusted to his care, and be liable to pay for any deficiency thereof, unless it shall appear to have been occasioned by some unavoidable accident.

Keeper of Prison entitled to five shillings from each person discharged.

III. *And be it further enacted*, That the keeper of the prison of Halifax, to which such person or persons shall be committed or removed, shall receive from each and every person so committed or removed, when discharged, the sum of five shillings, by way of fees: and in case such person shall be unable to pay the same, the Commissioners of the Poor shall pay the same to the said keeper, and insert the amount in their account of expences.

Keeper of Prison not to inflict corporal punishment unless by warrant.

IV. *And be it further enacted*, That no keeper of any house of correction, or jail, to which any idle or disorderly person or persons shall be committed or removed, shall have power to inflict any corporal punishment on such person or persons, unless the warrant under which such person or persons shall be committed shall expressly specify that corporal punishment shall be inflicted on such offender. *Provided always*, That nothing herein contained shall be construed to authorise the Sheriff to discharge, by his own authority, any person so committed to the said jail, or be construed to render the Sheriff of the county of Halifax liable for the safe keeping of any person or persons so committed.

CAP. VII.

An ACT to enable the Trustees of the Government South Farm, to re-invest in the Crown a part of said Farm, wanted for Military purposes.

Preamble.

WHEREAS *a certain part of the Land, commonly called, and known by the name of, the Governor's South Farm, granted in trust to the Secretary, Treasurer, and Surveyor-General of the Province, and their Successors in Office, has been required by the Commander in Chief of His Majesty's Troops in this Province, for military purposes, which said piece of Land is bounded as follows*:—on the north side by the public street leading to the rope-walk, and there measuring, one hundred and fifty-three feet: on the west, by military ground, one hundred and sixty three feet and eight inches: on the south, by military ground, one hundred and fifty four feet: and on the east, by the said farm, one hundred and sixty five feet:

Trustees authorised to dispose of a part of Governor's South Farm.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That it shall and may be lawful for the said trustees of said farm, by and with the consent of the Governor, Lieutenant Governor, or Commander in Chief for the time being, to sell, alienate or dispose of, the above described part of the said farm for military purposes, or to receive other land in lieu thereof, or to lease the said described piece of land for such term or terms of years, and upon such conditions, as they shall think proper, and to apply the proceeds of the sale or rents of

said

said land, in such manner as they may think just, and equally beneficial to the Governor, Lieutenant-Governor, or to their successors in office: and the said land shall thenceforth be appropriated, agreeably to their conveyance thereof, to such purposes as His Majesty's millitary service may require. *Provided*, That nothing herein contained shall be of any force or effect until His Majesty's pleasure shall be known thereon.

Not to take effect until His Majesty's pleasure is known.

CAP. VIII.

An ACT in addition to an Act, made and passed in the Forty-first year of His present Majesty's reign, entitled, An Act, for the repairing, keeping in repair, cleaning and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also to suspend the power and authority vested in the Surveyors of Highways, within the Town and Peninsula of Halifax, after the first day of August next, during the operation of this Act.

Preamble.

WHEREAS *it would render the said Act more effectual and beneficial to the public, if the powers and authority vested in the Commissioners were extended*:

Commissioners empowered to repair the road from Block House Hill to Nine Mile Post.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That the powers and authority vested in said Commissioners by the above recited Act, shall, from and after the publication hereof, be extended to the repairing, and keeping in repair, the roads and bridges from the bridge on the west side of Block-House Hill, to the Nine Mile Post, on the main road to Sackville.

CAP. IX.

An ACT for applying certain monies, therein mentioned, for the service of the year one thousand eight hundred and two; and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Executed.

CAP.

CAP. X.

An ACT to continue an Act, made in the Thirty-ſeventh year of His preſent Majeſty's reign, entitled, an Act to revive, and continue, an Act, paſſed in the Thirty-third year of His preſent Majeſty, entitled, an Act in amendment of, and in addition to, an Act, made in the Thirty-third year of the reign of His late Majeſty, entitled, an Act for regulating, and maintaining, a Light Houſe on Sambro Iſland, and in addition to, and amendment of, an Act, made in the Twenty-eighth year of His preſent Majeſty's reign, entitled, an Act for regulating, and maintaining, a Light-Houſe at the entrance of Shelburne Harbour. Expired.

CAP. XI.

An ACT to continue an Act, made and paſſed in the Twenty-ninth year of His preſent Majeſty's reign, entitled, An Act for the better ſupport of the Poor in the reſpective Counties of this Province, by laying an Impoſt Duty on articles imported into this Province from the United States of America. Expired.

CAP. XII.

An ACT to continue the ſeveral Revenue Laws for the ſupport of His Majeſty's Government in this Province. Expired.

CAP. XIII.

An ACT to alter, and amend, an Act, paſſed in the Thirty-ninth year of His preſent Majeſty's reign, entitled, An Act for repairing, or rebuilding, the Market-Houſe, erecting a Country Market-Houſe, and regulating the ſeveral Markets in the Town of Halifax; and, alſo, to revive, alter and amend, and bring into one Act, the Act for preventing Frauds by Butchers and Fiſhmongers, and the Act, made in the Thirty-fourth year of His late Majeſty's reign, for regulating and eſtabliſhing a Public Market in the Town of Halifax.

WHEREAS *it would greatly contribute to the accommodation of the Town of Halifax, as well as the Country, if the Town Butchers were permitted to uſe part of the new Country Market for the preſent, until another ſituation for them ſhall be provided:* Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly,* That, from and after the

Stalls of the Country Market to be let at Public Auction, sufficient for the town butchers.

Three stalls to be reserved.

the publication hereof, it shall and may be lawful for the said Commissioners, to advertise, and let at public auction, from time to time, to the highest bidders, so many of the stalls in said Country Market as shall be sufficient to accommodate such of the town butchers as may be inclined to bid for the same, taking care not to let to one butcher, or company of butchers, more than one stall, and reserving, at the same time, the three stalls at the north door, which will be fitted and kept for the use of the countrymen, who may have occasion, from time to time, to use the same.

Town butchers to be subject to the rules and regulations, provided by the Act.

II. *And be it further enacted*, That after said stalls shall have been so advertised, and let, as aforesaid, the same shall, for the present, be subject to all the rules and regulations provided in and by said Act for the regulation of the Town Market, the same as if such Town Market had actually been repaired and built, as is provided in and by said recited Act, and the Justices in their Sessions shall make regulations for said town butchers, after the letting of said stalls, with which regulations the said town butchers, victuallers, and journeymen butchers, shall strictly comply, any thing contained in the said Act to the contrary notwithstanding; and such butchers, victuallers, and journeymen butchers, shall, also, after the letting of said stalls, conform in all respects to, and with, all and every the regulations and provisions contained in the said recited Act. And the said Commissioners shall appoint a keeper for that part of the said market allotted for the use of the town butchers, and likewise for that part of said market which shall be left for the use of the country; and the keepers, when so appointed, shall have all the power and authority vested in the keepers of the markets, in and by the said recited Act. *Provided always*, that this Act shall continue in force until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and three, and no longer.

Further continued by subsequent Acts.

CAP. XIV.

An ACT in alteration, and amendment, of an Act, made in the Thirty third year of the reign of His present Majesty, entitled, An Act for providing for the support of His Majesty's Government, by laying an additional duty on Wine, Rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province.

Preamble.

WHEREAS *the duties at present payable by Law upon low priced Wines, are found too high, and in many cases amount to a prohibition*; and whereas *a beneficial trade might be carried on between the inhabitants of this Province and the Azores Islands, provided the said duties were reduced*:

3d. hereafter to be paid on each gallon of wine, imported from the Azores or Western Islands.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That, from and after the thirty first day of July next, there shall be raised, levied, collected, and paid to His Majesty, His heirs, and successors, for the support of the Government of this Province, upon all wine, the produce of any of the islands called the Azores, or Western Islands, which shall thereafter be imported into this Province, the rate and duty of three pence, and no more, upon each and every gallon of wine, so imported and brought, which three pence shall be in stead and in lieu of all duties imposed by the herein recited Act, or any other Act: any thing in the said Acts to the contrary notwithstanding.

1d. deduction in case one third part of said wine be purchased with the produce of this Province.

II. *And be it further enacted*, That in case one third part of the said wine, so to be imported from the said Azores, or Western Islands, shall have been purchased and paid for with the produce of this Province, the person or persons so importing the same, shall be entitled to a deduction of one penny on each and every gallon so imported, upon their making the affida-

vit,

vit, and complying with the directions of the herein before recited Act with reſpect to rum, ſugar, molaſſes and coffee, purchaſed with the produce of the Province.

III. *And be it further enacted*, That in caſe any of the wines, the produce of ſaid iſlands, ſhall hereafter be exported from the Province, a drawback of the duties paid or ſecured thereon, ſhall be granted and allowed, agreeably to the rules and regulations mentioned and expreſſed in the before recited Act. In caſe of exportation of ſaid wine, a drawback allowed.

IV. *And be it further enacted*, That this Act, and every matter, clauſe and thing therein, ſhall be and continue in force, to the thirty-firſt day of July, which will be in the year of our Lord one thouſand eight hundred and three. Further continued by ſubſequent Acts.

CAP. XV.

An ACT to continue an Act, made and paſſed in the Thirty-ninth year of His preſent Majeſty's reign, entitled, An Act for raiſing a Revenue to repair the Roads throughout the Province, by laying a Duty on Perſons hereafter to be Licenſed to keep Public Houſes or Shops for the retail of Spirituous Liquors, and for regulating ſuch Public Houſes and Shops; alſo the Act, paſſed in the Fortieth year of His Majeſty's reign, in amendment of the above recited Act; and, alſo, an Act, paſſed in the Forty-firſt year of His Majeſty's reign, entitled, An Act in addition to, and amendment of, the ſaid above recited Act. Expired.

CAP. XVI.

An ACT to continue in force the ſeveral Acts therein mentioned. Expired.

CAP. XVII.

An ACT to alter, and amend, an Act, paſſed in the Thirty-third year of His preſent Majeſty's reign, entitled, An Act for providing for the ſupport of His Majeſty's Government, in this Province, by laying an additional duty on Wine, Rum, and other articles herein mentioned, and for encouraging the agriculture, fiſheries and commerce, of this Province.

WHEREAS *it has been found inconvenient and detrimental to the Revenue to allow a drawback of the Impoſt duty on rum, and other ſpirituous liquors, molaſſes, brown ſugar, and coffee, imported or brought into the Province by perſons not reſident therein:* Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Aſſembly*, That it ſhall not be lawful for the Commiſſioners of the Revenue, to allow to any perſon or perſons, not reſident inhabitants as aforeſaid, a drawback of the impoſt duty on rum, or other ſpirituous liquors, wine, molaſſes, brown ſugar, or coffee, impoſed and ſecured by law, although the produce of this Commiſſioners not to allow drawbacks to non-reſident inhabitants of Impoſt duty on rum, although returns be made in produce.

this Province ſhould afterwards be exported within ſix months in the ſame bottom, in which the importation was made; any law, uſage or cuſtom, to the contrary notwithſtanding.

Non-reſident allowed drawback on exportation.

Provided always, That in caſe ſuch perſon, or perſons, ſhall export the articles on which ſuch additional duties ſhall be impoſed and collected, or ſecured, to any port or place out of the Province, ſuch perſon or perſons ſhall, on the uſual certificates, beſides the drawbacks already allowed by law, therefor, be entitled to receive the whole of the additional duties impoſed by the herein before recited Act, without any deduction whatſoever.

Act to continue until 31ſt July.

II. *And be it further enacted*, That this Act, and every matter, clauſe and thing, therein contained, ſhall be and continue in force until the thirty-firſt day of July, which will be in the year of our Lord one thouſand eight hundred and three.

CAP. XVIII.

Expired.

An ACT to continue an Act, paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, an Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province; and, alſo, the Act in amendment thereof, paſſed in the laſt Seſſion of General Aſſembly, entitled, an Act to alter, amend and continue, an Act, made and paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, an Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province.

CAP. XIX.

Expired.

An ACT to continue an Act, made and paſſed in the Thirty-fourth year of His preſent Majeſty's reign, entitled, an Act to provide for the ſupport of the Grammar School in Halifax, and for other public purpoſes therein contained.

CAP. XX.

Expired.

An ACT for encouraging the Fiſheries of this Province, by granting a Bounty upon Cod-Fiſh, caught and cured by the Inhabitants thereof.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February, Anno Domini, 1800, and continued by ſeveral Prorogations to Wedneſday the Firſt day of June, 1803; in the Forty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. being the Fourth Seſſion of the Eighth General Aſſembly, convened in the ſaid Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Juſtice and Preſident of Council; (during part of this Seſſion, Alexander Croke, Dr. of Law and Judge of the Admiralty Court, acted as Preſident of Council) R. J. Uniacke, Speaker of the Aſſembly; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Aſſembly.

CAP. I.

An ACT in amendment of an Act, paſſed in the Thirty-fifth year of His Majeſty's reign, entitled, an Act to prevent the harbouring Deſerters from His Majeſty's Army, and the ſale of arms, accoutrements and cloathing, belonging to His Majeſty.

Preamble.

WHEREAS *the penalty of five pounds, preſcribed by the above recited Act, for perſons harbouring Deſerters, is found inſufficient for preventing that offence, and it is neceſſary to provide for the eaſier reception of Deſerters into the jails, in the ſeveral counties in this Province:*

Perſons harboring Deſerters to pay 20l.

I. *Be it enacted, by the Lieutenant Governor, Council and Aſſembly, and it is hereby enacted,* That from and after the publication of this Act, any perſon harbouring a deſerter, knowing him to be ſuch, ſhall, inſtead of the penalty of five pounds, preſcribed by the ſaid recited Act, be liable to the penalty of twenty pounds, to be recovered by the ways and means, and applied to the purpoſes, directed in and by the ſaid Act, any thing therein contained to the contrary notwithſtanding.

Sheriff, Conſtable, &c. authoriſed to apprehend a perſon ſuſpected of being a deſerter, and to carry him before a Juſtice of the Peace;

upon teſtimony of his being a deſerter, the Juſtice to commit him to Jail, and

II. *And be it further enacted,* That it ſhall and may be lawful for the Sheriff of the county, or his deputy, or for any conſtable of the town or place, where any perſon who may be reaſonably ſuſpected to be a deſerter ſhall be found, or for any officer or ſoldier in His Majeſty's ſervice, to apprehend, or cauſe ſuch ſuſpected perſon to be apprehended, and to bring, or cauſe him to be brought, before any Juſtice of the Peace, living in or near ſuch town or place, who hath hereby power to examine ſuch ſuſpected perſon; and if, by his confeſſion, or the teſtimony of one or more witneſs or witneſſes, upon oath, or by the knowledge of ſuch Juſtice of the Peace, it ſhall appear, or be found, that ſuch ſuſpected perſon is a liſted ſoldier, and ought to be with the troop or company to which he belongs, ſuch Juſtice of the Peace ſhall forthwith cauſe him to be conveyed to the jail of the county, or the houſe of correction, in ſuch town or place, where ſuch deſerter ſhall be apprehended, and ſhall tranſmit an account thereof to the Governor,

ſend notice thereof to the Governor.

Governor, or Lieutenant-Governor, of the Province, or to the commanding officer of the diſtrict, to the end that ſuch perſon may be removed, and proceeded againſt according to law: and the Sheriff of the county, the keeper of every jail, houſe of correction, or priſon, in which ſuch deſerter ſhall at any time be confined, ſhall receive the full ſubſiſtence of ſuch deſerter, during the time he ſhall continue in his cuſtody, for the maintenance of ſuch deſerter, but ſhall not be entitled to any fee or reward, on account of the impriſonment of ſuch deſerter; and the keeper of every jail, houſe of correction, or other priſon, ſhall, and he is hereby required to, receive and confine ſuch deſerter while on the road from the place where he was apprehended, to the place to which he is to be conveyed, either by warrant of the ſaid Juſtice, or by order of the Governor, Lieutenant-Governor, or commanding officer of the diſtrict; and ſhall not be entitled to any fee or reward, on account of the impriſonment of the ſaid deſerter; any law, or uſage, to the contrary notwithſtanding.

The keeper of the Jail to receive the full ſubſiſtence of ſaid deſerter, but neither fee or reward.

CAP. II.

An ACT in addition to, and amendment of, an Act, paſſed in the Fortieth year of His Majeſty's reign, entitled, An Act for the better regulating the Inferior Court of Common Pleas, and General Seſſions of the Peace, for the County of Annapolis.

Preamble.

WHEREAS *it is expedient that a Court or Seſſion Houſe ſhould be erected in the weſtern diſtrict of the county of Annapolis, in which to hold the Courts of our Lord the King, appointed to be held in that part of the county of Annapolis:*

Grand Jury authoriſed to make preſentment of ſuch ſum of money as may be neceſſary for building or repairing a Court Houſe.
To be levied under the Act of the 5th Geo. 3d.

I. *Be it thereforeenacted, by the Lieutenant-Governor, Council and Aſſembly,* That it ſhall be lawful for the Grand Jury, for the county of Annapolis, at the Court of Aſſize held for the ſaid county, to make preſentment of ſuch ſum or ſums of money as may be expedient to be raiſed for the building or repairing a Court or Seſſions Houſe, in ſuch part of ſaid diſtrict as the Grand Jury for the ſaid county ſhall appoint; which ſum or ſums of money ſo preſented, ſhall be aſſeſſed, raiſed, levied, proportioned and paid, in manner as is preſcribed by an Act, paſſed in the fifth year of His preſent Majeſty's reign, entitled, "An Act for raiſing money by preſentment, on the ſeveral counties of this Province, for the defraying certain county charges therein mentioned."

Money to be applied to that purpoſe only.

II. *And be it further enacted,* That ſuch money ſhall be applied for and towards the purpoſe for which the ſame is preſented, in ſuch manner, by ſuch perſon or perſons, and under ſuch regulations, as the ſaid Court ſhall order in that behalf.

Court of Seſſions for the County of Annapolis, to be held at Digby on the ſecond Tueſday of June, annually.

III. And whereas, *it is found inconvenient to hold the Summer Seſſions of the Inferior Court of Common Pleas and General Seſſions of the Peace, of the County of Annapolis, at Digby, on the third Tueſday of June: Be it enacted by the authority aforeſaid,* That, from and after the paſſing of this Act, the ſaid Court and General Seſſions ſhall be held, annually, on the ſecond Tueſday of June, and not on the third Tueſday of June, as heretofore accuſtomed.

CAP

CAP. III.

An ACT in amendment of an Act, made and paſſed in the Tenth year of His Majeſty's reign, entitled, An Act for the ſettlement of the Poor in the ſeveral Townſhips in this Province; and, alſo, in amendment of an Act, made in the Forty-firſt year of His ſaid Majeſty's reign, entitled, An Act for the better management and relief of the Poor at Halifax.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That whenever any poor perſon ſhall apply for relief to any Overſeers or Commiſſioners of the Poor, and it ſhall appear, by the declaration on oath made by ſuch poor perſon, or other ſatisfactory proof in manner preſcribed by the ſaid firſt-mentioned Act, that he or ſhe has gained a lawful ſettlement in ſome townſhip or place in this Province, other than where application is made for relief, it ſhall and may be lawful for ſuch Commiſſioners or Overſeers to grant the neceſſary relief to ſuch poor perſon, of which they ſhall ſend notice in a reaſonable time to the Overſeers or Commiſſioners of the Poor, for the town or place of his or her ſettlement, that they may remove ſuch poor perſon thither, if they ſee fit; and all reaſonable expences which may be incurred for his or her relief, or for the burial of ſuch poor perſon, ſhall be charged to the Overſeers or Commiſſioners of the Poor for the town or place of ſettlement of ſuch poor perſon, and they ſhall accordingly ſtand charged with, and pay, all ſuch expences in manner directed by the ſaid firſt-mentioned Act.

Application for relief to be made on oath reſpecting reſidence.

Overſeers and Commiſſioners empowered to remove perſons to their own town or place of ſettlement, and to charge the expence.

II. *And be it further enacted*, That when any perſon ſhall apply for, and obtain, relief from the Overſeers or Commiſſioners of the Poor of any town or place, and it ſhall happen that ſuch perſon, at the time of his or her application, or relief, is poſſeſſed of, or entitled to, any property, real or perſonal, out of which the expences incurred for his or her relief may be repaid; it ſhall and may be lawful for ſuch Overſeers or Commiſſioners of the Poor, as creditors in behalf of the public to ſuch perſon, to demand and receive, from him, or her, a re-payment of all or any part of the expences ſo incurred for the relief of ſuch perſon, and, if need be, to enforce the payment thereof, by the uſual remedies of attachment, arreſt, or other legal proceſs; and all monies ſo to be received or recovered, ſhall be accounted for by ſuch Overſeers or Commiſſioners, as other monies received for the poor.

The property of perſons applying for relief, to be ſecured, and applied to the payment of expences incurred.

III. *And be it further enacted*, That the Commiſſioners of the Poor for the town and peninſula of Halifax, ſhall be, and they are hereby, empowered, out of ſuch monies as ſhall or may come into their hands, more than ſufficient for the uſe of the poor of ſaid town and peninſula, to purchaſe the piece of land adjoining the Poor-Houſe, on the weſtern ſide; and alſo any further quantity of land, not exceeding ten acres, within the ſaid peninſula, for the uſe of the poor of ſaid town and peninſula.

Commiſſioners empowered to purchaſe land adjoining the Poor Houſe.

IV. *And be it further enacted*, That the ſaid Commiſſioners of the Poor for the ſaid town and peninſula, or the major part of them, for the time being, ſhall be, and they are hereby, authoriſed to bind out any poor children under their charge, apprentices, without applying to two Magiſtrates for their conſent, (as heretofore directed and practiſed) ſubject, however, to all other reſtrictions and limitations preſcribed by law. And whenever the conſent of the whole of ſaid Commiſſioners, or the major part of them, ſhall have been obtained for ſuch Act of binding any poor child or children apprentice, or other miniſterial act, and ſuch conſent ſhall have been entered in the minute-book of ſuch Commiſſioners, then, and in ſuch caſes, the ſeal and ſignature of the Chairman of the Board, ſet to the indenture of ſuch apprenticeſhip, or other legal inſtrument, ſhall be as valid and effectual in the Law, as if the whole,

Commiſſioners empowered to bind out poor children without conſent of the Magiſtrates.

whole, or the major part, of ſuch Commiſſioners had ſeverally ſigned and ſealed the ſame.

CAP. IV.

An ACT to provide for the ſupport of a Light-Houſe at the entrance of Annapolis Baſon, and for amending an Act, paſſed in the Twenty-eighth year of His Majeſty's reign, entitled, an Act for regulating, and maintaining, a Light-Houſe at the entrance of the Harbour of Shelburne, and for making perpetual the ſeveral Laws herein mentioned.

Preamble.

Annapolis Light Houſe duties.

WHEREAS *a Light-Houſe is now erected at the entrance of the Gut of Annapolis, which will be highly beneficial to all veſſels going into that paſſage, or any part of Annapolis Baſon: for the maintenance and regulation of ſuch Light-Houſe:*

Shelburne Light Houſe duties.

I. *Be it enacted, by the Lieutenant Governor, Council and Aſſembly*, That as ſoon as the ſaid Light Houſe ſhall be completed, and a light regularly kept therein, all ſhips or veſſels entering the Gut of Annapolis Baſon, ſhall pay the ſame tonnage duties that are now received from, and made payable by, all veſſels which enter the harbour of Halifax.

Collection and application of ſaid duties.

II. *And be it further enacted*, That, from and after the publication of this Act, the ſame light duties ſhall be paid by all ſhips and veſſels entering the port of Shelburne, as are paid by veſſels entering the port of Halifax; any thing in the Act, to which this is an amendment, to the contrary notwithſtanding.

Act 33d. Geo. 2d.

Act 28th. Geo. 3d.

III. *And be it further enacted*, That it ſhall and may be lawful to collect, receive and apply, the ſaid tonnage duties, in the ſame manner, and under the ſame regulations, that the ſaid tonnage duties are now collected, received and applied, in the ſaid harbor of Halifax.

Act 35th. Geo. 3d.

IV. *And be it further enacted*, That the Act, paſſed in the thirty-third year of His late Majeſty's reign, entitled, An Act for regulating and maintaining a Light-Houſe on Sambro-Iſland; alſo, an Act, paſſed in the twenty-eighth year of His preſent Majeſty's reign, entitled, An Act for regulating and maintaining a Light-Houſe at the entrance of the harbour of Shelburne; alſo, an Act paſſed in the thirty-fifth year of His preſent Majeſty's reign, entitled, An Act in addition to, and in amendment of, an Act, paſſed in the thirty-third year of the reign of His late Majeſty, entitled, An Act for regulating and maintaining a Light-Houſe on Sambro Iſland, and in addition to, and amendment of, an Act, paſſed in the twenty-eighth year of His preſent Majeſty's reign, entitled, An Act for regulating and maintaining a Light-Houſe at the entrance of the harbor of Shelburne; alſo, the Act, paſſed in the thirty-third year of His preſent Majeſty's reign, in amendment of, and in addition to, the ſeveral Acts before mentioned; and alſo, the Act paſſed in the thirty-ſeventh year of His preſent Majeſty's reign, to revive and continue the Act paſſed in the thirty-third year of His preſent Majeſty's reign, as before recited, and every matter, clauſe and thing, therein contained, are hereby continued in force, made perpetual, and extended to the ſaid Light-Houſe at the entrance of the Gut of Annapolis, and alſo made applicable to enforce the payment of the ſaid tonnage duties, on all veſſels which enter the ſaid Gut of Annapolis.

Act 33d. Geo. 3d.

Act 37th. Geo. 3d.

The above Acts made perpetual, and extended to the Light-Houſe at Annapolis.

CAP

CAP. V.

An ACT for applying certain monies, therein mentioned, for the ſervice of the year one thouſand eight hundred and three; and for appropriating ſuch part of the Supplies, granted in this Seſſion of General Aſſembly, as are not already appropriated by the Laws or Acts of the Province. This Act executed.

CAP. VI.

An ACT to continue in force the ſeveral Acts therein mentioned. Expired.

CAP. VII.

An ACT to continue an Act, made and paſſed in the Twenty-ninth year of His preſent Majeſty's reign, entitled, an Act for the better ſupport of the Poor in the reſpective Counties of this Province, by laying an Impoſt Duty on articles imported into this Province from the United States of America. Expired.

CAP. VIII.

An ACT to continue an Act, made and paſſed in the Thirty-fourth year of His preſent Majeſty's reign, entitled, an Act to provide for the ſupport of the Grammar School in Halifax, and for other public purpoſes therein contained. Expired.

CAP. IX.

An ACT to continue an Act, made and paſſed in the Thirty-ninth year of His preſent Majeſty's reign, entitled, an Act for raiſing a Revenue to repair the Roads throughout the Province, by laying a Duty on Perſons hereafter to be Licenſed to keep Public Houſes, or Shops, for the retail of Spirituous Liquors, and for regulating ſuch Public Houſes and Shops; alſo, the Act, paſſed in the Fortieth year of His Majeſty's reign, in amendment of the above recited Act; and, alſo, an Act, paſſed in the Forty-firſt year of His Majeſty's reign, entitled, an Act in addition to, and amendment of, the ſaid above recited Act. Expired.

CAP. X.

An ACT to enable the Inhabitants of Digby to improve the Common belonging to the said Town.

Preamble.

WHEREAS *the Common granted for the use of the Township of Digby is injured by the growth of brush wood; and, for want of fences to such Common, the persons claiming right of Common therein, are deprived of the benefit of such right, by the cattle of strangers; and that, by continuing long without tillage, such Common is overgrown with moss, and of little benefit for pasturage, and that, by the law now in force, the Justices are not authorised to provide a remedy for those evils:*

Justices of the county of Annapolis to make rules, &c. for fencing the Common.

Part of Common to be leased.

Lease not to exceed three years.

Allowance to a Herdiman, &c.

Fine for persons transgressing, not to exceed 40s.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, it shall and may be lawful for the Justices of the County of Annapolis, on the application in writing from the majority of the inhabitants of the said town, being interested in the said Common, to make rules and regulations for the fencing of such Common, and clearing of such brush wood, thistle, and other incumbrances; for regulating the number of cattle to be depastured in such Common, and the rates to be paid by the owners thereof for defraying the necessary expences, of building and repairing fences, clearing brush, and leasing such Common, not exceeding one third part of the whole, on improving leases, to persons who will break up and till the same; such leases not to exceed the term of three years; and for establishing an allowance to a herdsman, and other charges necessary for the securing full benefit of said Common to the persons having right therein; and such Justices shall have authority to establish fines not exceeding forty shillings for any persons transgressing such rules and regulations, to be recovered before any one Justice of the Peace, and levied by warrant of distress and sale of the offender's goods and chattels, in like manner as other distraints.

Supervisors.

II. *And be it further enacted*, That it shall and may be lawful for the Grand Jury of the western district of the county of Annapolis, at the usual terms of appointing Town Officers, to nominate four fit persons, of whom the Justices may appoint two to be Supervisors of the Common of Digby, who shall be sworn to the faithful discharge of the duties of their office, and whose duty it shall be to take charge of the Common of that town, and enforce the rules which may be made by the Justices aforesaid for the regulation thereof; and also to prosecute all offenders against such rules, and any such Supervisors refusing to accept such office, or neglecting the duties thereof, shall be liable to a fine of forty shillings, to be recovered as aforesaid.

Supervisors refusing to serve forfeit 40s.

Appropriation of fines.

Prosecution within thirty days.

III. *And be it further enacted*, That all fines and forfeitures incurred under this Act, shall be applied by the Supervisors to the general benefit of the Common of the said town. *Provided always*, That no person shall be convicted for any offence, under this Act, unless prosecuted for the same within thirty days after the offence is committed.

Act to continue for five years.

IV. *And be it further enacted*, That this Act, and every clause and thing therein contained, shall continue and be in force for five years, from the publication hereof, and until the end of the next Session of General Assembly, and no longer.

CAP. XI.

Expired.

An ACT to continue in force the several Revenue Laws for the support of His Majesty's Government in this Province.

CAP.

CAP. XII.

An ACT to continue an Act, paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province; and, alſo, the Act in amendment thereof, paſſed in the forty-firſt year of His preſent Majeſty's reign, entitled, An Act to alter, amend and continue, an Act, made and paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province.

Expired.

CAP. XIII.

An ACT to continue and amend an Act, entitled, An Act to revive, continue and amend, an Act, paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act to regulate the Summary Trial of Actions, before His Majeſty's Juſtices of the Peace, in the Town and Peninſula of Halifax.

BE *it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That the ſaid Act, and every matter, clauſe and thing, therein contained, ſhall be continued in force until the laſt day of July, which will be in the year of our Lord one thouſand eight hundred and four, and from thence until the end of the next Seſſion of the General Aſſembly, and no longer.

Act to continue to the laſt day of July, 1803.

II. *And be it further enacted, by the authority aforeſaid*, That the Juſtice or Juſtices before whom the examination of any criminal offender ſhall be made, and who ſhall be committed to jail, or to the houſe of correction, for further examination, ſhall alſo immediately give notice to the Clerk of the Rotation Court, of ſuch examination and commitment, to the end that he may, without delay, notify the ſame to the Juſtices of ſuch Court, as in caſe of notice thereof received from the Sheriff, Jailor, or keeper of the houſe of correction, any thing in the ſaid Acts therein contained, to the contrary notwithſtanding.

Juſtices committing offender, to give notice to the Clerk of the Rotation Court.

III. *And be it further enacted*, That, from and after the thirty-firſt day of this preſent month of July, the Clerk of ſaid Court ſhall have and receive for his ſervices, a certain and fixed ſalary, to be paid him yearly by the ſaid Juſtices, in lieu and ſtead of all fees, which ſalary ſhall be aſcertained and ſettled by the ſaid Juſtices, and ſhall be written down in the book, directed to be kept by the ſaid Clerk, and ſigned by them, or ſuch of them as ſhall be preſent at the time of aſcertaining the ſame.

Salary of the Clerk of the Rotation Court.

IV. *And be it further enacted*, That the following fees ſhall be taken in the ſaid Court, and no other, that is to ſay:

Fees to be taken.

For every warrant, or ſummons,	two ſhillings,
For every trial,	one ſhilling;
For every execution,	one ſhilling,
For ſerving every writ,	one ſhilling,

And that if any Juſtice or clerk of the ſaid court, aſk, demand, or receive, any other or greater

Juſtice or Clerk requiring greater

fees, guilty of extortion.

greater fees than thoſe herein mentioned, he ſhall be liable to all the pains and penalties impoſed by the laws of this Province, upon perſons guilty of extortion, to be recovered by any perſon who ſhall ſue for the ſame according to law.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Thurſday the Twenty-firſt day of June, 1804: in the Forty-fourth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. being the Fifth Seſſion of the Eighth General Aſſembly, convened in the ſaid Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Juſtice and Preſident of Council; R. J. Uniacke, Speaker of the Aſſembly; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Aſſembly.

CAP. I.

An ACT to amend, an Act, made and paſſed in the Thirty third year of His preſent Majeſty's reign, entitled, An Act for granting to His Majeſty, certain duties on Wine, Rum, and other Diſtilled Spirituous Liquors, and Brown Sugar, for the purpoſe of paying the Intereſt, and reducing the Principal, of the Public Debt of this Province.

Preamble.

WHEREAS *it is prejudicial to the navigation of the Province, to oblige merchants, importing any of the dutiable articles enumerated in ſaid Act, to put on ſhore, and land, ſuch part thereof as it may be the intention of the owners to ſend, in the ſame veſſel, to ſome other colony, port or place; for remedy whereof:*

Merchant importing dutiable articles, allowed an export in the ſame veſſel, without unlading, upon making affidavit to the original invoice.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That, after the publication of this Act, if any of the dutiable articles enumerated in ſaid Act, ſhall be imported and brought into this Province, on board any ſhip or veſſel, it ſhall and may be lawful for the maſter, owner, factor or ſupercargo, to report and enter, at the Impoſt and Exciſe office, conformable to the proviſions contained in the ſaid recited Act, ſuch part or portion of ſaid dutiable articles, as he or they may think proper to be landed, for ſale, and conſumption, in the Province, and to enter and report the reliduе or remainder for exportation, in the ſame veſſel, to ſome other port, place or colony, out of the Province; and the officers of Impoſt and Exciſe ſhall permit the landing, and ſhall guage and weigh, and ſecure the duties on the ſeveral parts of ſuch veſſel's cargo, ſo to be put on ſhore for ſale and conſumption, in the manner uſual, and heretofore practiſed under the ſeveral clauſes and proviſions contained in the

ſaid

ſaid Act, and in the ſeveral Acts made in amendment thereof: any thing herein contained to the contrary notwithſtanding. And the proper officers of Impoſt and Exciſe ſhall alſo ſecure the duties of Impoſt and Exciſe on ſuch parts of the cargo of ſuch veſſel or veſſels, as may be reported, and entered, as aforeſaid, for exportation, in the ſame bottom, without unlading, or landing the ſame; and for that purpoſe ſhall demand and require the perſon or perſons entering the ſame for exportation, to produce and deliver, to ſuch officer or officers, the original invoice for the goods ſo entered for exportation; and the proper officer or officers of Impoſt and Exciſe, ſhall require the perſon or perſons, making ſuch entry, to verify ſuch invoice on oath: which oath it ſhall and may be lawful for the officer or officers of Impoſt and Exciſe, to adminiſter in the following words:

Invoice Affidavit.

I do ſolemnly ſwear, that the invoice now by me produced, is the original invoice of the goods, wares and merchandiſe, now by me entered for exportation, and that ſuch invoice was actually, and truly, made at the port or place, where ſuch goods were ſhipped, and does actually, and truly, contain, to the beſt of my knowledge and belief, a juſt, and true, account of the quantities of the whole of each and every article ſo by me now entered for exportation.

Aſcertaining and ſecuring duties, on articles landed, and granting drawback on ſuch as are exported.

And the officers of Impoſt and Exciſe ſhall calculate upon ſuch invoice, the amount of the duties, and ſhall thereby aſcertain the ſame, in like manner as if the articles, ſo entered for exportation, had been actually landed, and regularly weighed and guaged, and bonds ſhall be taken, with ſufficient ſureties, in the uſual form, for the payment of ſuch duties, at the uſual times and periods; and the officers of Impoſt and Exciſe ſhall, on ſuch duties being bonded and ſecured as aforeſaid, grant a permit, for the exportation of the goods on which the duties have been ſo ſecured, in the uſual and cuſtomary form; and the exporter of ſuch dutiable articles, ſhall be entitled to have, and be allowed, a drawback, without any deduction whatſoever, of the duties ſo ſecured, in the ſame manner and form, and upon the ſame certificates of landing, and under the ſame rules and regulations, that perſons obtain drawbacks who export dutiable articles, after having landed the ſame in the Province.

Of falſe entry.

II. *And be it further enacted*, That if, on examination, it ſhall be diſcovered, that the report and entry made of dutiable goods, part for conſumption, and part for exportation, ſhall be falſe, and that there were a greater quantity of dutiable goods laden on board the ſhip or veſſel, than were reported and entered with the Impoſt and Exciſe officers, all the ſurplus goods, together with the ſhip or veſſel, ſhall and may be ſeized by the proper officer or officers, and the party making ſuch falſe entry, ſhall be ſubject to all the ſame penalties and forfeitures impoſed (in and by the Act of which this is an amendment) on perſons making a falſe report or entry; and if any part of the goods ſo permitted to be exported as aforeſaid, ſhall be diſcharged, or unladen, within the Province of Nova-Scotia, from on board the veſſel in which the ſame were imported, or ſhall, by any manner of ways and means, be clandeſtinely landed, the veſſel, together with the goods ſo diſcharged or landed, ſhall be ſeized, and all parties concerned therein, together with the veſſels, boats, carts, horſes and carriages, employed about the ſame, ſhall be ſubject to the ſame penalties and forfeitures that are provided in, and by that part of, the ſaid recited Act, which was made to prevent the clandeſtine landing of goods, ſubject to duty, within the Province, and all ſuch penalties, forfeitures and ſeizures, ſhall be made, recovered, paid, applied and diſtributed, according to the rules and regulations of ſaid Act.

Of clandeſtinely landing articles after permit for exportation.

Of perſons neglecting or refuſing to produce invoice or ſecure duties.

III. *And be it further enacted*, That in caſe the party making ſuch report and entry for exportation, ſhall neglect or refuſe to produce ſuch original invoice, and to verify the ſame as aforeſaid, or ſhall neglect, or refuſe, to ſecure the duties, then, and in ſuch caſe, the goods ſo entered for exportation, ſhall be landed, and the duties aſcertained and ſecured, in the manner heretofore practiſed and eſtabliſhed.

IV.

Mode of proceeding on suspicion of the entry.

IV. *And be it further enacted*, That in case the Collector or Collectors, or Inspector of Impost and Excise, shall have any just cause to doubt the truth or authenticity of any report or entry, or of the invoice produced, he shall and may search and examine into the contents of the cargo so reported and entered, and may remove, or cause to be removed, the packages from one part of the vessel to the other, so as to ascertain, as far as possible, the true contents of each package; and the master, officers and crew, of such vessel, shall aid and assist the officer, or officers, in making such search and examination; and in case he or they refuse such assistance, then, and in such case, the goods shall be landed, and the truth of such report and invoice ascertained; and it shall and may be lawful for the officer, making such search, to call to his aid three respectable merchants to assist therein; and if, in the opinion of such merchants, there shall be any reasonable cause for further suspicion, they shall certify the same, which certificate shall be sufficient to authorise the proper officer to order the cargo to be discharged, and the truth or falsity of the report and invoice actually ascertained by weighing and guaging the same. *Provided always*, That if the difference between the invoice and return of the Guager and Weigher shall, in the opinion of three merchants, not exceed the difference which frequently occurs, between the guage and weight of two different ports or places, in such case no penalty or forfeiture shall attach to the person making such report and entry.

Of unnecessary delay of the master, &c in unlading, or exporting.

V. *And be it further enacted*, That if the master, owner, or others concerned in the ship or vessel, in which goods are entered for exportation as aforesaid, shall unnecessarily delay unlading the part or parts of her cargo entered to be landed, or shall, after the unlading thereof, delay for a space longer than ten days proceeding on her voyage, and departing from the Province with the goods so exported, the said master, owner, or others concerned, shall pay each and every day to the tide waiter employed to attend such vessel, during such delay, the daily pay established for a tide waiter to receive from the Province, when on duty; and, on refusal, it shall be lawful for such tide waiter to recover the same in a summary way, before one of His Majesty's Justices of the Peace, or in the Rotation Court at Halifax, as occasion may require.

Act continued to 31st December, 1805.

VI. *And be it further enacted*, That this Act, and the several matters and things therein contained, shall be and continue in force until the thirty-first day of December, in the year of our Lord one thousand eight hundred and five.

CAP. II.

An ACT to continue in force the several Revenue Laws for the support of His Majesty's Government in this Province.

Preamble.

WHEREAS *the following revenue laws of this Province, now in force, will expire, and it is expedient that the same should be continued:*

Act 33d Geo. 3d, for granting certain duties on wine, rum, &c. for paying the interest and reducing the principal of the public debt. Act 33d Geo. 3d, for laying an additional duty on wine, &c. Act 34th Geo.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the Act, passed in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; also, an Act, made in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, commerce and fisheries, of this Province; also, an Act, made in the thirty-fourth year of His present Majesty's reign, entitled, An Act in addition to, and

amendment

amendment of, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal of the public debt of this Province; and, also, to revive, amend, and render more effectual, an Act, passed in the same thirty-third year of His Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, commerce and fisheries, of this Province; also, an Act, made in the thirty-fifth year of His present Majesty's reign, entitled, An Act in amendment of an Act, made in the thirty fourth year of His Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act, for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and, also, to revive, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province; also, an Act made in the thirty-sixth year of His present Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act, made in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and of the several Acts in addition to, or amendment thereof; also, an Act, made in the thirty-seventh year of His present Majesty's reign, entitled, An Act to amend, and continue for one year, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; also, an Act, passed in the thirty-eighth year of His present Majesty's reign, entitled, An Act to enable the officers of His Majesty's navy to obtain a drawback of the duties on wine by them taken out of this Province, and consumed without the limits thereof; and, also, the second, third, fourth, and fifth clauses of an Act, passed in the thirty ninth year of His present Majesty's reign, entitled, An Act to provide for the support of His Majesty's government in this Province, by reviving, altering and continuing, the several revenue laws which were in force the last year, and are herein particularly mentioned; also, an Act, passed in the fortieth year of His present Majesty's reign, to alter, amend, and continue in force, the several revenue laws, for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, and other articles therein mentioned, and for enabling the officers of His Majesty's navy to obtain a drawback of the duties on wines, carried and consumed by them out of the limits of the Province; also, an Act passed in the forty-first year of His present Majesty's reign, entitled, An Act to continue the several revenue laws, for the support of His Majesty's government in this Province: and to explain an Act, passed last Session of General Assembly, entitled, An Act to alter, amend, and continue in force, the several revenue laws, for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, brown sugar, and other articles therein mentioned, and for enabling the officers of His Majesty's navy to obtain a drawback of the duties on wines carried, and consumed, by them out of the limits of this Province; and, also, an Act, passed in the forty-second year of His Majesty's reign, entitled, An Act to alter and amend an Act, passed in the thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province: by laying an additional

3d. in addition to Act 33d Geo. 3d for granting certain duties on wine, &c. and also to revive and render more effectual the Act 33d Geo. 3d. for providing for the support of government, by laying an additional duty on wine &c.

Act 36th Geo. 3d in addition to, and amendment of, Act 33d Geo. 3d for granting certain duties on wine, &c.

Act 37th Geo. 3d to amend and continue for one year, the Act 33d Geo. 3d. as before mentioned.

Act 38th Geo. 3d. to enable the officers of His Majesty's Navy to obtain a drawback of duties on wine, &c.

2d. 3d. 4th. and 5th clauses of Act 39th. Geo. 3d. continued.

And 40th Geo. 3d to alter, amend, and continue in force the several revenue laws.

Act 41st Geo. 3d to continue the several revenue laws.

42d Geo. 3d in alteration and amendment of 33d Geo. 3d for laying an additional duty on wine &c.

additional

additional duty on wine, rum, and other articles herein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province; and every matter, clause and thing, contained in this, and in all and every of the above recited Acts, and also in such Acts as have been made in explanation, amendment or alteration, of any or either of the said Acts, shall be, and are hereby, continued in force, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

Continued to the 31st December, 1805.

CAP. III.

An ACT to continue in force the several Acts therein mentioned.

Preamble.

WHEREAS *it is expedient that the several Acts herein mentioned, be further continued:*

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That an Act, made in the fifth year of His present Majesty's reign, entitled, An Act for the summary trial of actions, and the several Acts that have been made in amendment, explanation or alteration, of the same; also, an Act, made in the twenty-sixth year of His present Majesty's reign, entitled, An Act to enable one or more Justices of the Peace to issue compulsory process in the first instance, in civil causes, which are by law triable before them; also, an Act, made in the said twenty-sixth year of His Majesty's reign, entitled, An Act in addition to, and amendment of, an Act to prevent nuisances by hedges, wares, and other incumbrances, obstructing the passage of fish in the rivers of this Province; also, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act to amend an Act, passed in the sixth year of His Majesty's reign, entitled, An Act for regulating the times and places for holding the several Courts of Justice therein named; and also to enable the Supreme Court to alter and fix the return of writs; also, an Act to revive a law for impowering the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to prohibit the exportation of gun-powder, arms and ammunition, or salt-petre, or carrying the same coastways; also, an Act, passed in the same year, entitled, An Act for providing for the trial of issues, by Justices of *Nisi Prius*, in the counties of Sydney, Lunenburg, Queen's County, and Shelburne; also, an Act, passed in the same year, to regulate the packing and inspection of salted beef and pork for exportation; also, an Act, made in the thirty-sixth year of His Majesty's reign, entitled, An Act to regulate the assize of bread; also, an Act passed in the same year, entitled, An Act to enable the inhabitants in the several towns in this Province, to raise money for the sinking of wells, and supplying the same with pumps, and for keeping them in repair; also, an Act, passed in the thirty-eighth year of His Majesty's reign, entitled, An Act respecting aliens coming into this Province, or residing therein; also, an Act, passed the same year, entitled, An Act for regulating the exportation of red or smoaked herrings, and in amendment to an Act, passed in the second year of His Majesty's reign, entitled, An Act for regulating the exportation of fish, and the size of barrels, hoops, boards, and all other kind of lumber, and for appointing officers to survey the same; also, an Act, passed in the fortieth year of His Majesty's reign, entitled, An Act in amendment of an Act, passed in the thirty-fifth year of His Majesty's reign, entitled, An Act to amend, and reduce into one Act, the several Acts made by the General Assembly, relating to the office of Sheriff, and also for altering the form of the summons heretofore used; also, an Act to revive, amend and continue, an Act, passed in the thirty-sixth year of His Majesty's reign, entitled, An Act in addition to an Act, made in the fifth year of His Majesty's reign, entitled, An Act for raising money by presentment, on the several counties in this Province, for the defraying of certain county charges therein mentioned; also, an Act, passed in the fortieth year of His present Majesty's reign, entitled, An Act to revive and continue an Act, made in the thirty-eighth year of His Majesty's reign, entitled,

Summary trial of Actions.

Justices enabled to issue compulsory process in civil causes.

Obstructing the passage of fish in rivers.

Act respecting the times of holding Courts of Justice.

Prohibiting the exportation of Gunpowder, &c.

Trial of Issues by Justices of *Nisi Prius* in Sydney, Lunenburg, &c.

Inspection of salt beef.

Assize of bread.

Sinking of wells.

Respecting aliens.

Exportation of smoaked herrings, &c

Office of Sheriff.

Mode of raising money on counties, for defraying county charges.

To prevent monopolizing of cord wood.

An

An Act to amend, and render more effectual, an Act, paſſed in the eighteenth year of His Majeſty's reign, entitled, An Act to prevent the foreſtalling, regrating and monopolizing, of cord wood, in the town of Halifax; alſo, an Act to alter and amend an Act, paſſed in the thirty-ninth year of His Majeſty's reign, entitled, An Act for repairing, or rebuilding, the market houſe, erecting a country market, and regulating the ſeveral markets in the town of Halifax; and alſo, to revive, alter and amend, and bring into one Act, the Act for preventing frauds by butchers and fiſhmongers; and the Act, made in the thirty-fourth year of His late Majeſty's reign, for regulating and eſtabliſhing a public market in the town of Halifax; alſo, an Act, paſſed in the forty-third year of His preſent Majeſty's reign, entitled, An Act to continue and amend an Act, entitled, An Act to revive, continue and amend, an Act, paſſed in the thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act to regulate the ſummary trial of actions, before His Majeſty's Juſtices of the Peace, in the town and peninſula of Halifax; and every matter, clauſe and thing, contained in all and every of the above-mentioned Acts, and alſo in ſuch Acts as have been made in explanation, amendment or alteration, of any, or either, of the ſaid Acts, or for the purpoſe of reviving the ſame, ſhall be continued in force until the thirty-firſt day of December, which will be in the year of our Lord one thouſand eight hundred and five, any thing in the ſaid Acts to the contrary notwithſtanding.

Relating to the Market Houſes, &c.

Summary trial of Actions.

Act continued to 31ſt December, 1805.

CAP. IV.

An ACT in addition to, and amendment of, an Act, paſſed in the Thirty-fifth year of His preſent Majeſty's reign, entitled, an Act to amend, and reduce into one Act, the ſeveral Laws, now in being, relating to a Militia in this Province.

Preamble.

WHEREAS, *by the before recited Act, it is enacted, that no artillery company ſhall conſiſt of more than thirty-two rank and file, which number is thought to be inſufficient, for what may be required in defence of the country:*

Artillery company to conſiſt of ſuch number, as may be thought neceſſary by the Governor.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly*, That, from and after the publication hereof, it ſhall and may be lawful for ſuch artillery companies to conſiſt of ſuch number of men as may be thought neceſſary by the Governor, Lieutenant-Governor, or Commander in Chief for the time being; any thing in the ſaid Act notwithſtanding.

Perſons in volunteer companies to remain 3 years, unleſs in caſe of removal or diſcharge.

II. *And be it further enacted*, That all perſons who are now enrolled, or ſhall hereafter enrol themſelves, to ſerve, either in the grenadier company, or light infantry company, of any regiment or battalion of militia in this Province, ſhall continue in ſuch company for three years from the date of his enrollment, unleſs in caſe of removal from the county, or being diſcharged by the commanding-officer of ſuch company.

Where there are no taverns, &c. it may be lawful to billet the militia, when marching, on houſekeepers.

III. *And be it further enacted*, That in places and ſituations where there may not be a ſufficient number of public inns, taverns, ale-houſes and licenſed ſhops, whereon to billet the whole of any detachment of ſoldiers or militia, that may be on a march, it ſhall and may be lawful to billet a part of ſuch detachment on other houſe-keepers, in the diſcretion of the Magiſtrates, giving billets for the ſame.

Continuation of this Act, and Act 35th Geo. 3d.

IV. *And be it further enacted*, That this Act, and the ſaid Act, paſſed in the thirty-fifth year of His preſent Majeſty's reign, entitled, "An Act to amend, and reduce into one Act, the ſeveral laws, now in being, relating to a militia in this Province," (except ſuch parts thereof as are altered by this Act;) and the Act, paſſed in the forty-firſt year of His Majeſty's reign, entitled,

titled, An Act in further addition to, and for altering and amending, an Act paſſed in the thirty-fifth year of His preſent Majeſty's reign, entitled, "An Act to amend and reduce into one Act, the ſeveral laws, now in being, relating to a militia in this Province," ſhall be, and the ſame are hereby, continued in force, until the thirty-firſt day of December, which will be in the year of our Lord one thouſand eight hundred and five.

CAP. V.

An ACT to continue an Act, made and paſſed in the Thirty-ninth year of His preſent Majeſty's reign, entitled, An Act for raiſing a Revenue to repair Roads throughout the Province, by laying a Duty on Perſons hereafter to be Licenſed to keep Public Houſes, or Shops, for the retail of Spirituous Liquors, and for regulating ſuch Public Houſes and Shops; alſo, the Act, paſſed in the Fortieth year of His Majeſty's reign, in amendment of the above recited Act; and, alſo, an Act, paſſed in the Forty-firſt year of His Majeſty's reign, entitled, An Act in addition to, and amendment of, the above recited Act.

Act continued to 31ſt December, 1805.

WHEREAS *the above recited Acts will expire, and it is expedient that the ſame ſhould be continued: Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly,* That the ſaid Acts, and every matter, clauſe and thing, therein contained, ſhall be, and the ſame are hereby, continued in force until the thirty-firſt day of December, which will be in the year of our Lord one thouſand eight hundred and five.

CAP. VI.

An ACT to continue an Act, paſſed in the Thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province; and, alſo, the Act, in amendment thereof, paſſed in the forty-firſt year of His preſent Majeſty's reign, entitled, An Act to alter, amend, and continue, an Act, made and paſſed in the thirty-ſecond year of His preſent Majeſty's reign, entitled, An Act for the further increaſe of the Revenue, by raiſing a Duty of Exciſe on all Goods, Wares and Merchandiſe, imported into this Province.

Act continued to 31ſt December, 1805.

WHEREAS *the above recited Act will expire, and it is expedient that the ſame ſhould be continued: Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That the ſaid Act, and every matter, clauſe and thing, therein contained, ſhall be and continue, and the ſame is hereby continued in force until the thirty-firſt day of December, which will be in the year of our Lord one thouſand eight hundred and five.

CAP.

CAP. VII.

An ACT to continue an Act, made and paſſed in the Twenty-ninth year of His preſent Majeſty's reign, entitled, An Act for the better ſupport of the Poor in the reſpective Counties of this Province, by laying an Impoſt Duty on articles imported into this Province from the United States of America.

WHEREAS *the above recited Acts will expire, and it is expedient that the ſame ſhould be continued: Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That the ſaid Act, and every matter, clauſe and thing, therein contained, ſhall be and continue, and the ſame is hereby continued in force until the thirty-firſt day of December, which will be in the year of our Lord one thouſand eight hundred and five.

Act continued to 31ſt December, 1805.

CAP. VIII.

An ACT to continue an Act, made and paſſed in the Thirty-fourth year of His preſent Majeſty's reign, entitled, An Act to provide for the Grammar School in Halifax, and for other public purpoſes therein contained.

WHEREAS *the above recited Act will expire, and it is expedient that the ſame ſhould be continued: Be it enacted, by the Lieutenant-Governor, Council and Aſſembly*, That the ſaid Act, and every matter and thing therein contained, ſhall be, and continue, and the ſame is hereby continued in force until the thirty-firſt day of December, which will be in the year of our Lord one thouſand eight hundred and five.

Act continued to 31ſt December, 1805.

CAP. IX.

An ACT to relieve a certain deſcription of perſons from ſundry inconveniences, ariſing from an Act, paſſed in the Thirty-ſecond year of the reign of His preſent Majeſty, entitled, An Act to prevent the Windſor and Hammond Plain Road being injured by heavy loaded carriages, and to extend the ſaid Act, and this Act in amendment thereof, to the Townſhip of Windſor.

WHEREAS *inconveniences have been experienced by the aforeſaid Act, from its being difficult to carry heavy loads on carriages, with wheels of great breadth:*

Preamble.

The felloes of the wheels of heavy loaded carriages may be less than nine inches wide.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, it shall and may be lawful, for any person or persons, to pass or repass on the said road, with carts, trucks, waggons, or other wheel carriages, laden with logs, timber, or other kinds of lumber, with wheels, the felloes whereof are of a less width than nine inches.

Punishment of such as use wheels the felloes of which are less than six inches wide.

II. *Provided always, and be it further enacted,* That if any person or persons, shall, at any one time, or oftener, in each, or any year hereafter, draw, or cause or suffer to be drawn, along the Windsor or Hammond Plain Road, on his, or their, cart, truck or waggon, or other wheel carriage, having wheels, whereof the felloes are of a less breadth than six inches, any logs, timber, or other lumber, not being for the actual use of their own farms or buildings, he, or they, shall be liable to, and shall, on every day to be appointed by the Surveyors or Overseer of such roads, respectively attend in person, or send one able man, provided with such necessary implements as shall be directed by the said Surveyor or Overseer, to work on the said roads, for two days, in respect of every horse or ox, used at any one time, during such year, in drawing logs, timber, or other lumber, on any such cart, truck, waggon, or other wheel carriage, over and above the statute labour which such person or persons is, are, or may be, liable to perform, according to any Act or Acts of the General Assembly already in force.

Penalty on refusing to do the labour, prescribed as a punishment.

III. *And be it further enacted,* That if any person or persons who shall be liable to perform the aforesaid labour, on the said roads, being duly notified, shall refuse, or neglect, to attend, or to send an able man to work, as aforesaid, he, or they, shall forfeit and pay three shillings for every day's neglect; the same to be sued for by the Surveyor and Overseer, and recovered with costs of suit, before any one of His Majesty's Justices of the Peace for the County of Halifax.

Penalty for such as trail on said roads when bare of snow, or frost in the ground.

IV. *And be it further enacted,* That if any person or persons, shall trail on the said roads, respectively, when the same are bare of snow, or the frost in the ground, insufficient to support the cattle travelling thereon, any logs, timber, or other lumber, he, or they, shall forfeit and pay, for every such offence, a fine not exceeding twenty shillings, nor less than five shillings, to be recovered before any one of His Majesty's Justices of the Peace, for the County of Halifax, who may impose the same on his own view, or on the oath of a credible witness.

Application of fines.

V. *And be it further enacted,* That all fines and forfeitures, imposed by this Act, shall, when recovered, be paid to the Overseer or Surveyor of the said road, respectively, to be by them applied to the repair thereof.

And whereas the roads in and about the township of Windsor, are much injured by persons who cart Plaister of Paris on the same; for remedy whereof:

Act to extend to the township of Windsor.

VI. *Be it enacted,* That, from and after the publication hereof, all carts, carriages and waggons, employed in the carriage of plaister of paris, on any of the roads in the township of Windsor, shall use wheels of the same dimensions, that are appointed in, and by, the said Act, for the carriage of timber on the Windsor road, and persons using any other kind of wheels in and about such business, shall be subject to the same penalties that are appointed in, and by, the said Act, unless such person or persons shall perform the additional statute labour on said roads, appointed, and directed, in, and by, this Act.

CAP.

CAP. X.

An ACT to alter the place of ſitting of the Inferior Court of Common Pleas, and the Court of Seſſions of the Peace, for the Diſtrict of Colcheſter.

WHEREAS *the ſaid Courts are now held at Onſlow, and it is expedient that the ſame ſhould be held, in future, at Truro, where the Supreme Court is, by Law, directed to be held, and where a Court-Houſe has been erected for the purpoſe:* Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Aſſembly, and it is hereby enacted, by the authority of the ſame,* That the Inferior Court of Common Pleas, and the Court of Seſſions of the Peace, for the ſaid diſtrict of Colcheſter, ſhall, hereafter, be held at Truro, in the ſaid diſtrict, and not at Onſlow, any law, uſage or cuſtom, to the contrary notwithſtanding. Court of Seſſions of the Peace, for the diſtrict of Colcheſter to be held at Truro.

II. *And be it further enacted, by the authority aforeſaid,* That all writs and proceſſes iſſued from either of the ſaid Courts, ſhall be returned at Truro, and Sheriffs, Conſtables, Jurors, Witneſſes, Parties, and all other perſons who are required by any writ heretofore iſſued, to appear at Onſlow, ſhall appear at Truro; and the ſame proceedings ſhall take place, as if the ſame writs and proceſſes had been made returnable at Truro, and the perſons, before named, required to appear there. Writs to be returned to Truro.

CAP. XI.

An ACT in addition to, and amendment of, an Act, made and paſſed in the third and fourth years of His preſent Majeſty's reign, entitled, An Act for the relief of Inſolvent Debtors.

WHEREAS *it is expedient that proviſion ſhould be made to diſcharge Inſolvent Debtors, confined in jail, under execution, on judgments given by a ſingle Juſtice:* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Aſſembly,* That, from and after the publication hereof, it ſhall and may be lawful for any two of His Majeſty's Juſtices of the Peace for the County, the Juſtice by whom the commitment ſhall have been made being always one, without fee or reward, to extend the benefit of the before recited Act, to all and every ſuch perſon or perſons as ſhall, from time to time, be committed to priſon, for any ſum or ſums of money not exceeding three pounds, and the coſt; any thing in the before recited Act to the contrary notwithſtanding. Perſons confined in jail for any ſum not exceeding 3l. may have the benefit of the Inſolvent Act.

AN

ABRIDGEMENT

OF THE

STATUTES OF NOVA-SCOTIA:

FROM

The First Session of General Assembly, held at Halifax on the Second day of October in the year of our LORD 1758, and in the 32d year of the Reign of His late Majesty King George II. to the end of the Session of General Assembly held at Halifax on the 21st day of June, in the year of our LORD 1804, and in the 44th year of the Reign of His present Majesty King George III.

By RICHARD JOHN UNIACKE, Esq. Attorney General.

Æquum et bonum est lex legum.

Ignorantia Juris non Excusat.

HALIFAX:

Printed by JOHN HOWE and SON, Printers to the King's Most Excellent Majesty.

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PRINTED AT HALIFAX, FOR THE PROPRIETOR.

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AN

ABRIDGEMENT, &c.

[The STATUTES are abridged under such Heads as correspond, as near as possible, with the Title and Object of each Act; and the principal matters referring to the Titles, and Paragraphs, in the Abridgement, are collected and arranged in the Alphabetical Table.]

TITLE 1-2.

Accounts Public.

P. 202. Stat. 16th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 1.

All accounts of receipts of revenue, and payments made, at the Treasury, shall be laid before the General Assembly, and, when allowed, shall be a final discharge to the accountants, and all receipts of revenue shall be accounted for in the Treasury of Great-Britain, and there audited.

Sec. 3, 4 : No. 2.

All persons having any demands against the Province, shall render their accounts within the first week of each Session of General Assembly: and no account shall be paid at the Treasury which is not brought in at that time.

TITLE 2.

Aliens.

P. 390. Stat. 38th, Geo. 3d, Cap. 1, Sec. 1, 2, 3, 4 : No. 1

Aliens not to remain in the Province without a permit from the Governor, which permit is to be granted on proof of good behaviour, and sufficient security for the continuance thereof. Alien residing without a permit, or violating the same, or saying, or doing, any thing to disturb the government, shall be imprisoned, or fined, and transported out of His Majesty's dominions in America. Alien, if questioned, must prove that he had a permit.

Sec. 5, 6 : No. 2.

A person, knowingly harbouring an Alien, without giving notice to a Magistrate, shall forfeit 100l.

Masters

Masters of vessels to report their passengers to the Custom-House officer, or a Justice; and, on neglect, to pay 20l. for which the vessel may be holden: return of such reports to be made to the Secretary, or other person appointed to grant permits.

Sec. 7, 8: No. 3.

Governor may remove any suspected Alien, although he may have obtained a permit; and if such Alien return, he shall be deemed guilty of felony, without benefit of clergy.

Sec. 9, 10, 11: No. 4.

Justices to apprehend all Aliens that, on summons, refuse to appear, and to commit all suspected Aliens. Cognizance of all offences (save returning to the Province, which is given to the Supreme Court) to be taken by the Supreme and Inferior Courts: all penalties to be one half to the Informer, and the other to the King. Act limited to a year.

TITLE 3.

Appropriation.

P. 452. Stat. 41st, Geo. 3d, Cap 18, Sec. 1, 2, 3: No. 1.

Contain the several votes for money.

Sec. 4, 5, 6, 7, 8, 9, 10: No. 2.

Governor, with advice of Council, to appoint commissioners of roads and bridges, and to remove them at pleasure. Secretary to furnish the Treasurer with the list of commissioners appointed, and removed; work to be carried on by contract; copies of contracts to be sent to the Treasurer; contractors to give security. Commissioners may advance, on good security, one third part of the amount to the contractor, the other third when half the work shall be executed and passed, and the other third when the whole work shall be finished agreeably to contract; the time to be fixed in each contract at which the work is to be finished. Commissioners shall account for the money received by them, and shall pay contractors with money only, and on a certificate from the Sessions and Grand Jury that the work is performed; and, on accounting for the expenditure of the money, commissioners to be allowed a commission. No work done after 15th October, to be examined and passed until the 1st June following; when more commissioners than one, the allowance to be divided. Judges of Nisi Prius to be paid 1l. 3s. 4d. per day. Repairs of Government-House to be directed by the Commissioners of the Revenue.

Sec. 12, 13, 14: No. 3.

The Governor may provide for the maintenance of prisoners in the Halifax jail, and for the expence of bringing them to jail, who are not chargeable on the County. Collectors at Halifax allowed a commission of four and a half per cent. and all other Collectors ten per cent. Collectors not to trade in an article subject to duty, under penalty of 50l. and the loss of their commission, on money collected. Waiters and Guagers may be appointed for the out-ports by the Governor, and who shall be allowed five per cent.

Sec. 15, 16: No. 4.

Thirty shillings to be paid the Coroner for every inquest returned, in lieu of all fees, 12s. of which is for the jury, and 2s. 6d. for the constable; any further charge must be paid by the County, if approved of by the Grand Jury. The Governor given power to draw on the Treasury for money appointed to be paid by perpetual laws.

P. 13

Sec.

Sec 18 : No. 5.

The Treasurer made subject to a penalty of 500l. if he pay any money out of the Treasury, unless he be authorised so to do by an Act of the Province, the same to be recovered by a common informer.

Sec. 19, 20 : No. 6.

Governor to appoint Commissioners of the Revenue, who shall be sworn; and power is given to them to allow drawbacks. The Treasurer shall cause all public accountants to account quarterly, pursuant to the form he shall prescribe for them, and he shall audit such accounts, and report thereon to the Commissioners, and shall deliver to the Committee of the General Assembly, a report and general statement of the Revenue and the Province Accounts. Commissioners to direct prosecutions against delinquent Collectors, provincial debtors, and for all breaches of the revenue law.

Sec. 21 : No. 7.

Collectors to keep regular account books, by double entry, in which accounts shall be kept with all importing merchants, with accounts of all permits granted, certificates of drawback; all entries and receipts of money. Collectors to send quarterly accounts to the Treasurer of all permits granted; books to be produced to the Treasurer when called for, under pain of removal from office.

TITLE 4.

Arbitration.

P. 133. Stat. 8, Geo. 3d, Cap. 1, Sec. 1, 2 : No. 1.

Merchants and traders may submit their differences to arbitration.

Submission, if inserted in their agreement, may, on affidavit of the witnesses, be made a rule of Court; in case party refuse to perform

perform award, he shall be punished as for a contempt, unless it appear, on oath, that the award was procured by corruption, or undue means, in which case it shall be set aside, provided application be made before the last Day of the next term after award published.

P. 296

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P. 386

TITLE 5.

Assembly General.

P. 116. Stat. 5, Geo. 3d, Cap. 10, Sec. 1 : No. 1.

Representatives in General Assembly to be elected as usual, and their number to be as follows : for Halifax County, four ; and for Annapolis, Luenburgh, King's, Cumberland, Queen's, and Sunbury Counties, two each ; for the Town of Halifax, two ; and for the Towns of Truro, Onslow, Annapolis, Granville, Lunenburgh, Horton, Cornwallis, Falmouth, Newport, Cumberland, Liverpool, and Sackville, one each.

Sec. 2 : No. 2.

When the Towns of Barrington, Yarmouth, Chester, Dublin, Amherst, Saint John, Windsor, Wilmot at Canso, Wilmot at Annapolis, and Louisbourgh, shall each, have fifty families resident, they shall be entitled to elect one member each.

P. 173. Stat. 12th, Geo. 3d, Cap. 4, Sec. 1 and 2 : No. 3.

Repeals the two Acts of the 10th and 11th Geo. 3d, to raise money to pay the Representatives.

P. 241. Stat 25th, Geo. 3d, Cap. 5, Sec. 1 and 2 : No. 4.

The Counties of Shelburne and Sydney, to have, each, two members ; and the Town of Shelburne and Digby, to have, each, one member : this Act assented to by His Majesty.

P. 265. Stat. 29th, Geo. 3d, Cap. 1, Sec. 1, 2, 3 : No. 5.

Sheriff, on receiving a writ to return a member to serve in the General Assembly, is to give, at least, twenty days notice of the time when the election shall be held. Elections for the County to be at the Court-House, and for Towns at the usual places ; to begin between ten and eleven of the clock. The Sheriff is to read his writ, and not to declare the choice on view, or to adjourn unnecessarily, or remove to any other place, but with the consent of candidates ; he is to hold the poll from day to day, until all the electors are polled, and, before he closes the poll, unless by consent of candidates, he shall make proclamation, and keep the poll open one hour after a freeholder shall have polled ; he shall swear in two assistants ; and, at the close of the poll, shall declare the person, having a majority of votes, duly elected ; if a scrutiny is demanded, he shall grant it ; no vote to be scrutinized unless objected to and marked on the poll book ; proceedings in the scrutiny to be returned ; a clerk for each candidate shall be sworn, who shall keep the poll ; Sheriff to grant a copy of the poll to any person ; freeholder's oath, and oath against bribing, shall, if required, be administered ; persons making fraudulent conveyances, to multiply votes, shall forfeit 10l. and such conveyances, notwithstanding any defeazance taken, shall be good against the grantors ; candidates and electors to have an income of forty shillings a year, or a dwelling house in the County, or Town, or one hundred acres of land ; and, if held by licence of occupation, the same to be good. Sheriff misconducting himself, to forfeit 200l.

Sec. 4, 5 : No. 6.

Persons furnishing entertainment for freeholders disabled from recovering payment from the candidate, or his friends, but may recover from any individual the value of the entertainment given to himself, at his own request ; person bribing or corrupting a freeholder, is made subject to the penalties imposed by the laws of England.

Sec. 5 and 7 : No. 7.

This Act to be read each day, and no other oath, save the one prescribed by this Act, shall be required from the voters ; no poll to be kept open longer than six days, when the candidate having most votes shall be returned ; each candidate to pay the Sheriff ten shillings per day during the election ; and, on a scrutiny, twenty shillings per day : to be paid by the candidate demanding it.

P. 296. Stat. 32d, Geo. 3d, Cap. 8. Sec. 1, 2, 3, 4 : No. 8.

Sheriffs of the Counties of Halifax, King's County, Annapolis, Shelburne, and Sydney, to open the poll for each election firſt at the County Court-Houſes ; and, when there cloſed at the requeſt of either candidate, to move, and open a poll for the County of Halifax at Onſlow and at Walmſley ; to Sciſſabou for the County of Annapolis ; to Parrſborough for King's County ; to Argyle for the County of Shelburne ; and to Country Harbour and Antigoniſh for the County of Sydney : the application for removal muſt be made on the day the poll is firſt opened ; due notice muſt be given of its removal, and it is to be opened at the place of adjournment the twelfth day after it was firſt opened, where it ſhall be held for two days, or until all the votes are taken ; and, when the poll is to be removed to a ſecond place, the Sheriff is to give the ſame notice as he did of the firſt adjournment : the Sheriff may appoint aſſiſtants at each place of adjournment.

P. 298. Stat. 32d, Geo. 3d, Cap. 10, Sec. 1, 2 : No. 9.

Duration of the General Aſſembly limited to ſeven years, to be computed from the day appointed for the firſt Seſſion to commence, unleſs ſooner diſſolved : this Act not to be in force until His Majeſty's pleaſure is known.

P. 386. Stat. 37th, Geo. 3d, Cap. 3, Sec. 1 : No. 10.

Candidates or freeholders, at future elections, muſt have forty ſhillings yearly income from freehold eſtate within the county or town, or own, in fee ſimple, therein, a dwelling-houſe, with the ground on which the ſame ſtands ; or one hundred acres of land, five of which to be under cultivation : Perſons having ſuch qualifications may be either candidates or electors ; the titles to ſuch property muſt be regiſtered ſix months before the teſt of the writ : nothing herein to preclude perſons from holding by deſcent or deviſe.

TITLE 6-7.

Bail.

P. 140. Stat. 8th, Geo. 3d, Cap. 7, Sec. 1 and 2 : No, 1.

The Chief Juſtice, and one or more of the Juſtices of the Supreme Court, to commiſſion, in the ſeveral Counties, ſo many perſons as they may think neceſſary (except Attornies or Solicitors) who ſhall have power to adminiſter an oath, in writing, and mark a writ for bail; and may take the acknowledgment of bail in any action pending in the Court, and tranſmit the recognizance to one of the Juſtices, who ſhall receive the ſame on proof on oath, by a perſon who was preſent when the ſame was acknowledged; and ſuch bail, or recognizance, ſhall be of the like effect as if taken before one of the Juſtices, who ſhall receive for his Fee 2s. and the Commiſſioner ſhall receive, for marking a writ, 2s. and for taking bail, 5s. and no more.

Sec. 3 : No. 2.

Juſtices to make rules for juſtifying bail; no cognizor of bail to be obliged to appear at Court, unleſs he live within twenty miles of Halifax, but the affidavit and examination may be made before the Commiſſioner.

Sec. 4 : No. 3.

Perſons perſonating others, by acknowledging recognizance before a Commiſſioner in his name, ſhall ſuffer death.

P. 198. Stat. 15th and 16th, Geo. 3d, Cap. 4th, Sec. 1, 2 : No. 4.

When debt ſhall exceed 3l. Sheriff to take bail for the amount indorſed on the writ, which indorſement is to be made on an affidavit, being ſworn to before the Judge, Clerk, or deputy Clerk of the Court; when the party is ſick, and unable to attend to make the affidavit before the proper officer, the ſame may be made before a Juſtice of the Peace, who may order bail.

P. 211. Stat. 18th, Geo. 3d, Cap. 6th, Sec. 1 : No. 5.

Sheriff to hold to bail, in all caſes exceeding three pounds; or to attach the debtors' goods, on affidavit made by plaintiff's attorney, or agent, before a Judge of the Court; or, in his abſence, a Juſtice of the Peace, that defendant is juſtly indebted: the affidavit to be filed with the Clerk, and the ſum indorſed on the writ; for ſuch ſum only bail ſhall be taken, or attachment made.

Sec. 2 : No. 6.

If plaintiff is abſent, the Judge may indorſe the writ, on plaintiff's agent producing his affidavit, authenticated according to the Law of England, or the uſage of the plantations.

Sec. 3 : No. 7.

Defendant, if arreſted, to be ſet at large, on giving the Sheriff bond, with two ſufficient ſureties for his appearance, which if he neglect, judgment by default may be entered, and the bond aſſigned to plaintiff, who may, notwithſtanding, proceed to final judgment; if defendant put in ſpecial bail, the bail to the Sheriff is diſcharged, and defendant enabled to defend the cauſe, but not otherwiſe,

P. 3.

TITLE 7.

Baſtard Children.

P. 27. Stat. 32d, Geo. 2d, Cap. 19, Sec. 1 : No. 1.

A woman, delivered of a baſtard child, likely to be chargeable to the Province, who ſhall, at the time of delivery, declare to the perſon aſſiſting, who the father was, and ſhall, ſome time before

declare

declare herſelf with child of a baſtard, in either caſe the neareſt Juſtice to take examinations in writing, and, at the deſire of the Overſeers of the Poor, or houſeholder of the place, to commit the father to priſon, unleſs he give ſecurity to indemnify the place, and to appear at Seſſions, where he is to be continued on recognizance until woman delivered. If woman die, or be married before delivery, or miſcarry, or ſhall not be with child, perſon charged to be releaſed.

Sec. 2 and 4 : No. 2.

When child born, the two neareſt Juſtices, at the deſire of the Overſeers, or of a ſubſtantial houſeholder, upon due examination, are to make an order for the relief of the place, and that the mother or father do find ſecurity to indemnify the place, or pay 20l. to be given to the Overſeers. If, after order made, mother or father, on notice, ſhall not perform the ſame, they are to be committed, unleſs they give ſecurity to appear and perform the order of the next Seſſions, or otherwiſe, the firſt order. Appeal by party, thinking themſelves injured, to be to Seſſions, where the cauſe is to be tried by Jury.

Sec. 3 : No. 3.

A woman who ſhall falſely accuſe another, to be committed to the houſe of correction for ſix months there to be whipped.

TITLE 8.

Beef.

P. 336. Stat. 34th, Geo. 3d, Cap. 9, Sec. 1 and 2 ; No. 1.

Two perſons to be appointed by Seſſions, in every township, who ſhall be ſworn as Inſpectors and Re-packers of Salt Beef and Pork for exportation. All barrels, and half barrels, to be made of hard wood, with twelve hoops, and tight.

Sec. 3, 4, 5, 6 : No. 2.

Inſpectors to fort beef and pork, by them re-packed, into three qualities : the deſcription of each quality is directed by the Act ; and he is to brand the quality, and quantity, on the head of each caſk, with his name, and the name of that place. Each caſk ſhall contain 200 lbs. of neat beef or pork, and beef barrels ſhall not contain more than thirty-one gallons, or leſs than thirty ; and pork barrels not more than thirty, or leſs than twenty-nine gallons ; half barrels to be in the ſame proportion, and, likewiſe to be branded. The meat ſhall have been in ſalt at leaſt fourteen days before repacking. One ſhilling to be paid for inſpecting and repacking each barrel, with an allowance for hoops ; the owner to find ſalt.

Sec. 7, 8, 9, 10, 11 : No. 3

Perſons ſhifting, or mixing, inſpected beef or pork, and exporting ſame, to forfeit 50l. The Inſpector ſhall alſo forfeit 50l. for every offence contrary to the Act. The owner of uninſpected beef or pork to forfeit 40s. for every barrel exported without inſpection ; and the maſter of the veſſel, likewiſe, 20s. for each uninſpected barrel ſhipped : and Inſpector may obtain from a Juſtice a warrant to enter a ſuſpected veſſel, and an order to the proper officer to land any beef or pork found therein, which has not been inſpected ; the owner to pay the expence of landing ; every perſon obſtructing the officer ſhall forfeit 50l. Penalties to be recovered in Supreme or Inferior Court. Two thouſand pounds of beef or pork may be carried for ſhip's uſe, without inſpection. The duration of the Act limited for two years.

TITLE 9-10.

Bills and Notes.

P. 57. Stat. 34th, Geo. 2d, Cap. 2, Sec. 1, 2 : No. 1.

Bills of Exchange, drawn by perſons in this Province, payable in Europe, if proteſted, ſubject to ten per cent. damage, and ſix per cent intereſt, from date of Proteſt ; and, if payable in any of the Colonies, five per cent. damage, and like intereſt from date of Proteſt ; inland bills or orders ſubject to like intereſt, from date of Proteſt.

P. 134. Stat. 8th, Geo. 3d, Cap. 2, Sec. 1 and 2 : No. 1.

Promiſſory Notes, made payable to a perſon, or his order, may be aſſigned, by indorſement, the ſame as an inland bill of exchange : the perſon to whom ſuch note is payable may maintain an action againſt the maker thereof : and ſo may the indorſee have his action either againſt the maker or indorſer, the ſame as in caſes of inland bills of exchange ; and the plaintiff, if he recover, may have execution for his damages, and alſo his coſts, provided that the action is brought within ſix years.

TITLE 10.

Biſcuit and Flour.

P. 87. Stat. 3d, Geo. 3d, Cap. 3, Sec. 2, 3, 4 and 5 : No. 1.

Flour and biſcuit to be ſold, or exchanged, only by weight : if by the caſk, or in any other way, to be forfeited to the poor, and perſon offending, if convicted before two Juſtices, to pay informer 20s. with coſt, for every hundred weight, and ſo in proportion. Proſecution to be within ten days.

P. 273. Stat. 29th, Geo. 3d, Cap. 10, Sec. 1 and 2 : No. 2.

Meal and flour, of every kind, to be ſold, or exchanged, by weight only, and in no other way ; and grain, when meaſured, ſhall be ſtruck with a ſtrait board, or ſtick, rounded at the edges. Offenders ſubject to the penalties in the Act of which this is an amendment.

Bread.

P. 374. Stat. 36th, Geo. 3d. Cap 8, Sec. 1, 2, 3, 4: No. 1.

Juſtices in General or Special Seſſions, within their reſpective juriſdictions, to regulate the Aſſize of Bread, according to the price of grain, meal, or flour, making a reaſonable allowance to the baker. All perſons making bread for ſale, ſhall conform to the aſſize ſo made and regulated, under a penalty not exceeding twenty ſhillings; the aſſize to be from time to time made and regulated, according to the table ſet forth in this Act, and the aſſize of mixed bread to be made, as near as poſſible to the rate fixed by ſuch table.

Sec. 5, 6, 7: No. 2.

Juſtices to direct the Clerks of the Market to make a weekly return of the price of meal and flour, which ſhall be entered in a book, and the aſſize to be regulated and publiſhed accordingly, for any time not exceeding one month. No alteration to be made in the aſſize, unleſs the price ſhall riſe or fall one ſhilling in the hundred weight: bakers may inſpect ſuch book, and before the aſſize be ſet may object thereto; the aſſize, when ſet, ſhall be publiſhed in the form directed by the Act.

Sec. 8, 9: No. 3.

When the Juſtices ſhall order and allow mixed bread to be made, the bakers ſhall conform to the regulations made and publiſhed by ſuch Juſtices reſpecting the ſame, under a penalty not to exceed twenty ſhillings.

Sec. 10, 11, 12: No. 4.

The meal and flour uſed by bakers, in bread for ſale, ſhall be ſound and good, and the bread well made; no mixture to be uſed but ſalt, pure water, eggs, milk, yeaſt, and barm, or ſuch leaven as the Juſtices ſhall allow: the maſters who ſhall act contrary thereto, ſhall forfeit a penalty not to exceed 3l. or leſs than 2l. and the ſervant, or journeyman, not leſs than twenty ſhillings, or more than forty; or otherwiſe, to be impriſoned, not exceeding fourteen days, and their names publiſhed; and for all bread ſold, or expoſed to ſale ſhort of weight, the baker ſhall forfeit not more than 5s. for every ounce wanting, or leſs than one ſhilling; but if leſs than an ounce be wanting, then to forfeit not more than 2s. 6d. or leſs than ſix pence: proſecution to be within twenty four hours; bakers to mark each loaf with the initials of their names, under a penalty not exceeding twenty ſhillings, or leſs than five.

Sec. 13, 14: No. 5.

Clerks of the Market, at leaſt, one day in every week, or a Conſtable, authoriſed by a Juſtice's warrant, ſhall viſit the bakers' ſhops, and try the bread, and may ſeize all bread made for ſale contrary to this Act; which, when condemned, ſhall be diſtributed to the poor, and perſons obſtructing them ſhall forfeit not leſs than twenty ſhillings, or more than forty; and if the baker ſhall prove the defect to have been cauſed by his ſervant, or journeyman, he ſhall be obliged to reimburſe his maſter, or otherwiſe ſent to hard labour, not exceeding a month.

Sec. 15, 16: No. 6.

Grand Jury and Seſſions to appoint, when requiſite, in every Townſhip, two Inſpectors of flour and meal, who ſhall be ſworn, and ſhall, at the requeſt of either party, inſpect and mark the ſame; and if any diſpute ariſe about the quality of bread ſeized, one of the Inſpectors ſhall be called in.

Sec. 17, 18, 19, 20, 21: No. 7.

Offences againſt this Act may be tried by one Juſtice, who may hear the cauſe in a ſummary way, or otherwiſe proceed againſt delinquent: if he make default, penalties to be levied by diſtreſs; and for want thereof offender to be committed: half of all penalties to go to the informer, and the other half to carry this Act into effect: parties convicted may appeal to the Seſſions, and perſons ſued for any thing done under this Act, may give the ſpecial matter in evidence: and, if acquitted, ſhall have treble coſt; proſecutions againſt offenders to be within three days; former Acts repealed, and the duration of this Act limited to one year.

TITLE 12-13-14.

Butter.

P. 456. Stat. 42d, Geo. 3d, Cap. 2, Sec. 1, 2, 3: No. 1.

The Sessions, in the County of Cumberland, to appoint Inspectors of Butter, who shall mark the quality of butter on each cask; on refusal, to forfeit 40s. No butter to be deemed merchantable unless inspected. Exporters of uninspected butter to forfeit 10s. a firkin. Inspector allowed 3d. for inspecting each cask.

TITLE 13.

Carriages.

P. 52. Stat. 33d, Geo. 2d, 2d. Sess. Cap. 11, Sec. 1, 2: No. 1.

Justices in their Sessions, yearly, at Halifax, in March and September, having respect to the price of labour and provender, are to regulate the price for the carriage of all articles within the Town and Suburbs of Halifax, and to cause the same to be published: Persons demanding, or receiving, a higher rate to forfeit 20s. to be levied by distress, on conviction, before a Justice: half to go to the prosecutor, and half to repair the streets.

Sec. 2: No. 2.

Sessions, in the several Counties in the Province, to make the same regulations, at the same time, for the Towns in the County, with the same power to enforce them.

TITLE 14.

Cattle.

P. 145. Stat. 8th, Geo. 3d, Cap. 11, Sec. 1: No. 1.

A person maliciously killing, wounding, or hurting, any horse, sheep, or cattle, shall pay treble damage; to be recovered in a Court of Record.

P. 213. Stat. 19th, Geo. 3d, Cap. 2, Sec. 1: No. 2.

Justices to hold Sessions, for the purpose of making regulations, to prevent horses, or any kind of cattle, infected with distempers, from going at large. Persons disobeying such regulations subject to a penalty not to exceed ten pounds; to be recovered before two Justices, or the Sessions.

Certiorari.

P. 189. Stat. 14th, 15th, Geo. 3d, Cap. 8, Sec. 1: No. 1.

Supreme Court to iſſue Certiorari, according to the rules and practice of the King's Bench in Great-Britain.

P. 287. Stat. 31ſt, Geo. 3d, Cap. 9, Sec. 1, 2: No. 2.

No cauſe to be removed from Inferior to Supreme Court, until the party ſhall give ſecurity to perform the judgment of the Supreme Court in ſuch cauſe: the Judge that allows the writ of Certiorari, ſhall indorſe the amount of the ſecurity, and the names of the ſureties, with the date, and ſhall ſign his name to ſuch indorſement.

TITLE 16.

Coin.

P. 528. Stat. 28th, Geo. 3d, Cap. 9, Sec. 1, 2: No. 1.

Perſon importing, vending, circulating, or offering in payment, any copper coin, except ſuch as are current in Great-Britain, or Ireland, to forfeit the ſame, with double the nominal value thereof. Engliſh crowns to paſs for five and ſix pence, half crowns for two and nine pence, and a ſhilling for thirteen pence.

TITLE 17.

College.

P. 268. Stat. 29th, Geo. 3d, Cap. 4, Sec. 1, 2, 3: No. 1.

Four hundred pounds ſterling granted for ever, to be drawn out of the Treaſury, quarterly, and paid to the Governors, towards the ſupport of a College at Windſor: the Governors are—the Governor of the Province, Chief Juſtice, Secretary, Speaker, Attorney, and Solicitor General, who are incorporated by the name of the Governors of King's College of Nova-Scotia, who are given full power to hold property, and manage and regulate every thing reſpecting ſaid College.

Sec.

Sec. 4 : No. 2.

Governors to make Statutes for the government of said College, and to appoint the President and Professors; (the President always to be a Clergyman of the Church of England) also to appoint officers and servants, to regulate and Establish all salaries, with power to remove for misbehaviour, and to appoint others.

Sec. 5, 6 : No. 3.

Five hundred pounds granted to purchase a proper situation to found the College on; the Governors to appoint a temporary President, to be employed in the education of youth until the building be finished, and a Charter obtained from His Majesty.

TITLE 18.

Common.

P. 62. Stat. 34th, Geo. 2d, Cap. 12, Sec. 1, 2, 3, 4 : No. 1.

Sessions of Lunenburg, every year, in March, to charge the Grand Jury to settle regulations for the Common of that Town, which, when agreed to by the Sessions, shall be in force for the ensuing year; Sessions to affix penalties, not exceeding forty shillings, for breach of such regulations.

P. 160. Stat. 10th, Geo. 3d, Cap. 4, Sec. 1, 2 : No. 2.

Justices, in their Sessions, to make regulations for the Commons within their jurisdiction; persons transgressing such regulations to pay a fine not exceeding 40s. half to the poor, and half to the informer; to be recovered before two Justices by distress, and for want thereof, offender to be imprisoned, not exceeding ten days.

P. 270. Stat. 29th, Geo. 3d, Cap. 6, Sec. 1, 2, 3 : No. 3.

Trustees named in the grant of the Common of Dartmouth, to call meetings of the persons interested in that Common; Trustees may sue, or be sued, as it respects the management and safe keeping of said Common; Proprietors, at their meetings, to vote money to pay the expence, and also the charge for managing any of the affairs of that Common, the same to be assessed, levied, and collected, as the public taxes are at Halifax, and to be paid to the Clerk, who is to be sworn, and is to be appointed at a meeting of the Proprietors; the proprietors also, at their meetings, to make regulations for fencing and improving the Common; and to impose penalties, not to exceed fifteen shillings, for the breach thereof; orders not to be repugnant to the general laws of the Province; penalties to be recovered before two Justices; Trustees not to alienate Common; money to be assessed on each Commoner in proportion to the number of cattle he pastures, but not to be assessed on a proprietor who makes no use of the Common.

P. 319. Stat. 33d, Geo. 3, Cap. 9, Sec. 1, 2 : No 4.

Two persons to be appointed every Spring, by the Sessions and Grand

Grand Jury of Annapolis County, who, with the Commanding Officer of the garrison, if a commissioned officer, are to act as supervisors of the Common Marsh at Annapolis; and if there be no Commanding officer, then a third person is to be appointed, as aforesaid. Supervisors are to meet from time to time, and to cause the dykes, drains, and fences, to be repaired, and to assess, on each person entitled to Commonage, their proportion of labour.

Sec. 3, 4: No. 5.

Persons, when called on, to perform the labour so assessed; if they neglect, are to forfeit, for each man's day's work, five shillings; and ten shillings for a team; to be recovered before two Justices; Supervisors to give notice when the marsh is opened each year for pasturage, and when closed, and shall appoint a Keeper of the Common, and shall regulate and give notice of the number of cattle each Commoner may pasture; Keeper to impound cattle that have not a right to Common: and, during his service, is to be freed from any rate.

Sec. 5, 6, 7: No. 6.

Non-resident Proprietors of the Common, (officers of the garrison excepted) who have not contributed to the original expence of enclosing the Common, shall pay, each, five pounds, before they shall have any use of the Common, to be applied to the general purposes thereof; Supervisors to keep regular accounts of their proceedings, and expence; Supervisors are named in the Act until others appointed.

P. 385. Stat. 37th, Geo. 3d, Cap. 2. Sec. 1, 2, 3, 4: No. 7.

Governor to appoint Trustees for the Common of Dartmouth, in lieu of those named in the grant; and in case of death, or removal, to appoint others: former trust vacated, and the Trustees appointed by this Act, are given the same power that the 29th Geo. 3d. gave former Trustees.

P. 472. Stat. 43d, Geo. 3d, Cap. 10, Sec. 1, 2, 3, 4: No. 8.

Justices, in Sessions, at Annapolis, authorised to make regulations for the Common of Digby, or to lease the same, and to enforce such regulations, by fine, not exceeding 40s.; the Grand Jury, at Digby, may appoint Supervisors of the Common at Digby, who shall be sworn, and shall take care of the Common, and enforce the regulations of the Justices respecting the same. Act to continue five years.

TITLE 19.

County and Town Rates.

P. 110. Stat. 5th, Geo. 3d, Cap. 5, Sec. 1, 2, 3: No. 1.

Non-resident Proprietors, (except in the Township of Halifax) shall pay their proportion of Town and County charges, and shall pay for, or perform, their proportion of labour on highways, &c. and if not paid after notice in the Halifax Gazette, and if no goods or chattels shall be found to levy the same on, one Justice may let so much of the absentee's lands as will be sufficient to pay the same. Persons grieved, to appeal to Sessions.

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P. 111. Stat. 5th, Geo. 3d, Cap. 6, Sec. 1 : No. 2.

Grand Jury to choose, with the approbation of the Sessions, a County Treasurer, who is to be sworn.

Sec. 2, 3, 4 : No. 3.

Grand Jury, of their own knowledge, or on the representation of three freeholders, to present money for building or repairing Jail, Court-House, Stocks, Pillories, Pounds, for procuring Bolts and Shackles for conveying felons to Jail, and for support of poor criminals; money so raised to be paid to County Treasurer, and applied, only, to the purpose for which raised; and the persons appointed, in the presentment, Directors of the work, shall account to the Sessions, or Judges of Assize, and pay over the balance; or, otherwise, to be committed in execution; presentments to be posted up in the Court House when made, and none to be confirmed until the last day of the Court.

Sec. 5, 6, 7 : No. 4.

Grand Jury to present a sum not exceeding 10l. for the Treasurer, and, with the approbation of the Court, to appoint Assessors, who shall be sworn; persons refusing to serve forfeit 40s. to the use of the County; the Court to settle the proportion to be paid by each Town, which shall be assessed on the inhabitants; and, on refusal, shall be levied by warrant of distress from two Justices: persons agrieved by the assessment, or mode of levying it, may appeal to next Sessions. The Treasurer to receive the money when levied, and pay it to the persons directed in the presentment. Treasurer shall make and return his accounts at every Court, with proper vouchers; and, upon neglect, to be committed to Jail till he do account, and to be forever incapable to serve as a Treasurer.

P. 150. Stat. 8th, 9th, Geo. 3d, Cap. 6, Sec. 1 : No. 5.

If Grand Juries neglect to present money, for the purposes mentioned in the Act 5th, Geo. 3d, Cap. 6. Judges of Assize, or Justices in Sessions, on proof, may amerce the County for the money necessary, and may appoint Assessors, who assess the sum equally, and the money be paid to County Treasurer.

Sec. 2, 3, 4. No. 6.

Assessors shall, in future, appoint Collectors, who shall be allowed 1s. in the pound for all money paid to County Treasurer; Assessors or Collectors refusing to serve forfeit 5l. to be recovered before two Justices, and levied by distress, for the use of the County. County Treasurer to pay into Province Treasury the expence which attended bringing certain prisoners from Windsor to Halifax.

P. 154. Stat. 9th and 10th Geo. 3d, Cap. 1, Sec. 1, 2 : No. 7.

Grand Jury, on representation of three or more respectable freeholders, to present money to build or repair bridges; which money shall be raised and applied, as directed by the several Acts, of which this is an amendment.

Sec. 3 : No. 8.

On neglect of Jury, Judges, or Justices, may amerce the County for that purpose.

P. 173. Stat. 12th, Geo. 3d. Cap. 4, Sec. 1 and 2 : No. 9.

Repeals the two Acts for raising a County Rate, to pay the Members of the General Assembly.

P. 219. Stat. 20th, Geo. 3d. Cap. 2, Sec. 1, 2, 3 : No. 10.

Justices, in Sessions, to appoint a Collector of Town Rates for Halifax, who shall give security, and account and pay in his receipts monthly, and be allowed for his services 10 per cent.

P. 278. Stat. 30th, Geo. 3d. Cap. 2, Sec. 1 : No. 11.

Justices may allow the Collector of Rates, at Halifax, a commission, not to exceed seven and an half per cent.

P. 281. Stat. 30th, Geo. 3d. Cap. 9, Sec. 1 : No. 12.

Grand Juries, on proper representation, may present money to pay the Clerk of the Peace for any service by him performed, for which no provision is made.

P. 285. Stat. 31st. Geo. 3d, Cap. 5, Sec. 1, 2, 3 : No. 13.

Justices, in Sessions, with the Grand Jury, for the District of Colchester, shall have the same power to raise money for public purposes in that District, which the Justices and Grand Jury have in the Counties, and the inhabitants of that District are exempted from serving on Juries at Halifax; and this Act also settles the bounds of that District.

P. 295. Stat. 32d, Geo. 3d. Cap. 7, Sec. 1, 2 : No. 14.

Grand Jury and Sessions, for the District of Yarmouth and Argyle, may raise money to build and repair Court-House, or Jail, and for all other purposes, as in the Counties in the Province; persons living in that District to be exempt from paying to the presentments for the County of Shelburne, or serving as Jurors at Shelburne.

P. 317. Stat. 33d, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 15.

Proprietor of lands, on which any tax shall be assessed, or for which any highway labour is to be performed, if he neglects to pay, or to perform the same, and if nothing can be found thereon to distrain, report is to be made thereof at the Spring Sessions, and lands may be let to pay the same, with the expence. If no person will hire, representation is to be made to the Supreme Court, and, after reasonable means used to notify the party, the Court shall order so much of the lands, as will be sufficient, to be sold, and the Clerk of the Peace is to execute the deed: if there be any surplus, after paying the rates, with the charges, the same is to be paid to the proprietor; or, otherwise, paid into the County Treasury; and

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and if not claimed for three years to be at the diſpoſal of the Juſtices. Officers neglecting to report delinquents to Seſſions, to forfeit forty ſhillings; and the Clerk of the Peace to forfeit a like ſum if he neglect his duty.

P. 382. Stat. 36th, Geo. 3d Cap. 16, Sec. 1, : No. 15.

Grand Juries may raiſe by preſentment monies to pay Jailors, and to provide fuel and neceſſaries for poor priſoners.

P. 434. Stat. 40th, Geo. 3d. Cap. 19, Sec. 1, 2, 3: No. 16.

Revives, and continues for a year, the Act of 36th Geo. 3d. which provides for the payment of Jailors, &c. and the proviſions of that Act is extended to the reſt of the Province.

TITLE 20.

Courts of Juſtice.

P. 39. Stat. 32d, Geo. 2d. Cap. 27, Sec. 1, 2: No. 1.

All paſt proceedings of Courts of Juſtice confirmed; and the General Seſſions of the Peace, for the County of Halifax, are to be held quarterly, as uſual, on the Firſt Tueſdays of December, March June and September. The Section of this Act which appointed the ſitting of the Quarter Seſſions at Halifax, contained alſo the times for the ſitting of ſeveral other Courts which have been ſince changed, no part of this Section was therefore publiſhed, upon the ſuppoſition that the Act of the 32d, Geo. 3d, Cap. 27, provided for the Seſſions, as well as Inferior Court, which ſat both on the ſame days; but the Seſſions, by ſome miſtake, being left out of that Act, therefore recourſe muſt be had to this Act, which is the one that fixes the time at preſent.

TITLE 21.

Criminal Offenders.

P. 28. Stat. 32d. Geo. 2d. Cap. 20, Sec. 1 : No. 1.

Perſons convicted of Blaſphemy at Court of Aſſize, or Seſſions of the Peace, to be ſet twice in the pillory, an hour each time; or to be impriſoned three months.

Sec. 2 : No. 2.

A perſon convicted of profanely Curſing and Swearing by a Juſtice, either on his own hearing, or the confeſſion of the party, or the oath of a credible witneſs, ſhall forfeit, to the poor, for the firſt offence, two ſhillings; and, for the next offence, double that ſum; and, for the next offence, treble the ſame ſum; to be levied by warrant of diſtreſs, and, for want of ſuch diſtreſs, if the offender be above the age of ſixteen, he ſhall be ſet in the ſtocks one hour for one offence; or two hours for any number of offences of which he may be convicted at one time; and, if under the age of ſixteen, and ſhall not pay the forfeiture, he ſhall be whipped by the Conſtable, or the Parent, Guardian or Maſter, of the offender, in preſence of the Conſtable. Proſecution to be within ten days after offence.

Sec. 3, 4, 5 : No. 3.

A perſon convicted of Drunkenneſs by a Juſtice, on his own view, or the confeſſion of the party, or the oath of one credible witneſs, ſhall pay, to the poor, five ſhillings: to be levied by diſtreſs; and, for want thereof, to be ſet in the ſtocks, not exceeding three hours. If convicted again, to pay the ſame penalty, and find two Sureties, in ten pounds, for future good behaviour; and, for want thereof, to be ſent to Goal until he find the ſame. Proſecution to be in ten days. Juſtice to regiſter all convictions, under the two laſt ſections, and to certify the ſame to the Seſſions; to be recorded by the Clerk of the Peace, and to be ſeen without fee. Juſtice, if ſued, to plead general iſſue; and, if judgment in his favour, to have treble coſt.

Sec. 6, 7 : No. 4.

A perſon convicted of counterfeiting, diminiſhing or altering, any foreign Coin, current in the Province, or of knowingly uttering the ſame, ſhall be ſet one hour in the pillory, one of his ears ſhall be nailed thereto, and ſhall alſo be publicly whipped through the town. Perſons buying or receiving the clippings or filings, ſhall forfeit 20l. half to the King, and half to the Informer, and be impriſoned three months.

Sec. 8 : No. 5.

A perſon forging any Writing, Deed or Inſtrument, or publiſhing the ſame, knowing thereof, with intention to defraud any perſon, on conviction at Aſſize or Seſſions, to be ſet in the Pillory, one of his ears cut off, and to be impriſoned one year; and party injured to recover double coſt and damage. Not to affect the Judge of Probate for authenticating a forged will, not knowing thereof; or any other perſon, who ſhall ſhew, or give in evidence, a forged writing, without knowing of the forgery.

Sec. 9, 10, 11, 12, 13; No. 6.

Perjury of a witneſs, in a Court of Record, to be puniſhed, on conviction, by fine of 20l. one half to the King, and the other to the party injured, and to be impriſoned ſix months; and for want of goods to pay ſuch fine, offender to be ſet an hour in the pillory, to have one of his ears nailed thereto, and to be forever diſabled from being a witneſs, unleſs ſuch judgment be reverſed, in which caſe, the party grieved thereby, may recover damages againſt the perſon who procured ſuch judgment to be given againſt him. Perſon procuring others to commit perjury, to be puniſhed in like manner. Judges of the Courts wherein perjury ſhall be committed, Juſtices of Aſſize, and Juſtices in their Seſſions, to take cognizance of this offence; thoſe Judges that had power to puniſh perjury before this Act, to remain as they were.

Sec. 14 : No. 7.

Perſons convicted at Court of Aſſize, or before Juſtices in Seſſions, of obtaining any ſpecies of property by falſe tokens, or deceitful letters, to be puniſhed with the pillory, public whipping, impriſonment, or hard labour in the Houſe of Correction, at the diſcretion of the Court.

Sec. 15 : No. 8.

The puniſhment of liars, defamers, libellers, and makers of falſe news, provided by this Section, is, by the Stat. 10th, Geo. 3d. Cap. 6, altered, and cognizance thereof given to the Courts of Record, and puniſhment to be as uſual in caſes of like kind.

P. 147. Stat. 8th, 9th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 9.

Criminal offenders to pay the expence of ſecuring and conveying them to jail, and, on refuſal, the ſame to be levied by warrant of the Juſtice making the commitment; if the priſoner is unable, County Treaſurer to pay the ſame, on the Juſtice's order.

Sec. 3, 4 : No. 10.

The Court may order County Treaſurer to pay the reaſonable expence of poor witneſſes in caſes of Felony, and when there ſhall be no money in the Treaſurer's hands to pay the ſame, payment ſhall be made out of the Province Treaſury.

Sec. 5 : No. 11.

Perſons ſued for any thing done under this Act, may give all ſpecial matter in evidence, and, if Plaintiff be nonſuit, or there be a verdict for defendant, he ſhall recover treble damages, beſides coſt.

P. 161. Stat. 10th, Geo. 3d, Cap. 6, Sec. 1 : No. 12.

Caſes of libel to be, in future, proſecuted only in Courts of Record and no higher penalty ſhall be inflicted than what is uſual; notwithſtanding any thing in former Acts to the contrary.

P. 190.

P. 190. Stat. 14th, 15th, Geo. 3d. Cap. 10, Sec. 1 : No. 13.

For perjury, both ears to be cut off, and nailed to the pillory. Counterfeiting, impairing, diminishing or imbasing, current coin, one ear to be cut off, and nailed to the pillory.

TITLE 22.

Crown Lands.

P. 125. Stat. 7th. Geo. 3d. Cap. 1, Sec. 1 : No. 1.

Persons convicted in a Court of Record of taking possession of any of the King's lands without leave, in writing, from the Governor, to forfeit 50l.

TITLE 23.

Debtors Absconding.

P. 70. Stat. 1st, Geo. 3d. Cap. 8, Sec. 1 : No. 1.

The goods, or estate, of an absent, or absconding, debtor, may be attached in whosoever hands found, and taking a part shall secure the whole, and subject the same to be taken in execution when judgment recovered.

Sec. 2, 3, 4 : No. 2

Where no Goods can be found to attach, creditor may file his declaration in the Inferior Court of the County where the agent lives, and ſerve ſuch agent with a ſummons, and copy of declaration annexed, fourteen days before the Court, which being returned, ſhall be ſufficient to bring forward a trial; but if the debtor be an inhabitant, a ſummons and copy of declaration muſt alſo be left at his laſt place of abode. Agent ſhall be admitted to defend ſuit, and be allowed to imparle for two terms; at the third term the cauſe to come on for trial, and, if plaintiff obtains judgment, all the property of defendant, in the hands of the agent when ſummons firſt ſerved, ſhall be liable to execution; but if the agent comes in the firſt term, and declares, on oath, that he had no property of the debtor, at the time of ſervice of ſummons, then plaintiff ſhall be nonſuit; and if agent does not appear the firſt term, and ſubmit to examination, he ſhall pay plaintiff his coſt.

Sec. 5, 6, 7 : No. 3.

If Agent ſhall, after ſervice, diſpoſe of property in any ſhape, ſo as not to produce ſufficient to ſatisfy judgment, he ſhall anſwer to *Scire Facias*, on oath, what goods he had at the time, and ſhall be made anſwerable to the value thereof out of his own goods. Agent acting fairly ſhall be allowed his coſt by party ſuing, and the taking of ſuch property by execution, ſhall, for ever, diſcharge the Agent from all claims of his principal, and, if ſued by him, he may plead the general iſſue.

Sec. 8, 9 : No. 4.

Abſent debtor may have a re-hearing within three years; and plaintiff, before execution iſſue, muſt give ſecurity to refund, if judgment be reverſed on re-hearing.

P. 68.

P. 19

TITLE 24.

Debts, Double Payment.

P. 168. Stat. 11th, Geo. 3d. Cap. 10, Sec. 1, 2, 3 : No. 1.

After the 1ſt January, 1772, no Tradeſman's ſhop-book to be given in evidence, if the goods have been ſold above two years before the action brought, unleſs he has taken an obligation for the debt, or brought an action within two years. Not to extend to dealings betwen Merchant and Merchant, Tradeſman and Tradeſman, or Merchant and Tradeſman, reſpecting their mutual trades. Act to continue for five years.

P. 205. Stat. 17th, Geo. 3d. Cap. 2, Sec. 1 : No. 2.

The Act of the 11th Geo, 3d. Cap. 10, made perpetual.

Debts due to the King.

P. 209. Stat. 18th, Geo. 3d. Cap. 3, Sec. 1 : No. 1.

Collectors of the Revenue, when bound to give credit for any part thereof, shall take a recognizance in the name of the King, with a warrant of attorney to confess judgment thereon ; which recognizance the Collectors, on receipt of the money, may discharge.

Sec. 2, 3, 4 : No. 2.

If not paid when due, Collectors to return the same to the Treasurer, who shall put the same in suit in the Supreme Court at Halifax ; and if the Court is not sitting, judgment may be entered in vacation as of the preceding term and execution issued ; Sheriff, on receiving execution shall return the same within sixty days.

TITLE 26.

Distempers, to prevent the spreading thereof.

P. 68. Stat. 1st, Geo. 3d, Cap. 6, Sec, 1, 2, 3 : No. 1.

Vessel entering the port of Halifax with an infected person on board, to anchor at least two miles, from town, having an ensign, with the union down, at her mast-head. No person to land, and Master, to give notice to the Governor, and conform to his orders ; before infected person be landed, Master to give security to pay charges attending him. Masters of vessels not conforming to this Act, to forfeit 100l. to be recovered in a Court of Record.

Sec. 4 : No. 2.

In other Towns, one or more of the nearest Justices, to prevent persons landing from, or going on board, infected vessels ; and to transmit intelligence to the Governor, for orders thereon.

P. 197. Stat. 15th and 16th, Geo. 3d. Cap. 2, Sec. 1, 2, 3 . No. 3.

Persons coming from infected places, shall be taken care of by an order of two Justices ; and the Overseers of the Poor, on due proof being made, that the health of the other inhabitants will be in danger from their mixing with them ; if persons themselves, their parents, or masters, are unable to pay the charge, the same to be paid by the Town to which they belong ; but, if strangers, the same to be paid out of the Treasury. Houses in which persons are inoculated, shall be, at least, 160 rods from any dwelling. Public notice thereof to be given in the Township ; a flag to be hung out of the house, and persons infected not to go further than eighty rods from the house. This Act not to extend to Halifax.

P. 399. Stat. 39th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 4.

Governor, by proclamation, to order vessels coming from infected places, to perform quarantine. No person, or goods, to be put on board, or brought on shore, from such vessels, unless by licence. Quarantine to be performed according to the directions of the Governor, to be notified by proclamation. Health Officers to be appointed throughout the Province, to see the quarantine performed, and to visit vessels coming from infected places, and examine the same ; and if any danger is to be apprehended, he shall take persons to his assistance, and shall use force, if necessary, to compel such vessel to go to the place appointed to perform quarantine ; master or person having charge of such vessel, to be imprisoned twelve months, if he conceal any circumstances respecting the state of the vessel.

Sec. 3 : No. 5.

If the master of a vessel, coming from an infected place, shall go on shore himself, or suffer any person so to do, until report be made to the Health Officer, or shall refuse to convey his vessel to the place appointed for quarantine, he shall forfeit 100l. Persons coming on shore from such vessel may, by force, be compelled to return on board, and shall be imprisoned six months, or pay a fine of 50l. Upon affidavit, a Judge may indorse writs for bail against such delinquents, to the amount of said penalties.

Sec. 4, 5, 6, 7, 8, 9 : No. 6.

Two Justices, when authorised by the Governor's proclamation, with the Overseers of the Poor, having taken the opinion of skilful persons, may take proper steps for the performing quarantine. Parties, if able, and the owners of the goods, to pay the expence ; the expence of persons unable to pay, to be paid out of the Treasury. The proper officers shall compel persons, and goods, liable to quarantine, to be removed to the houses, tents, or lazarets, appointed for that purpose ;

purpose; and persons refusing, or escaping, before quarantine performed, shall be imprisoned six months, and pay a fine of fifty pounds; and persons, so performing quarantine, shall be under the orders of the officers appointed to see the same performed, who have power to enforce such orders; and persons not liable to perform quarantine, who shall enter a lazaret, shall be obliged to perform quarantine; and, if he escape, shall suffer the punishment last mentioned. Officers misbehaving, embezzling, or damaging property, to lose their office, and pay a fine of 50l.

Sec. 10, 11, 12, 13: No. 7.

Two Justices may order infected beds, wearing apparel, or household goods to be burnt; or, otherwise, may direct them to be purified by the proper officer. Officer to grant certificate when quarantine is performed; and to be adjudged guilty of felony, without benefit of clergy, if he grant a false certificate. Persons concealing from Health-Officer, or clandestinely conveying from a vessel, liable to perform quarantine, letters or goods, shall be adjudged guilty of felony, without benefit of clergy. Governor's orders, respecting quarantine, to be published by proclamation, and read the first Sunday in every month in places of public worship.

Sec. 14, 15, 16: No. 8.

Master of a vessel coming from an infected place, or having any infected person on board, shall not land, or go on board any other vessel, or permit others so to do, or suffer any thing to be taken from such vessel, or any one to come on board, until visited by the Health-Officer; and shall truly inform the Health-Officer of all circumstances, and truly answer all questions; and shall go, when ordered, to the place for performing quarantine; and shall not suffer any person, or thing, to escape from such vessel, when ordered to perform quarantine, unless with permission, under a penalty not exceeding 200l. Health Officers to be appointed by the Governor, during pleasure, and to be sworn, and paid out of the Treasury; persons sued may plead the general issue, and give the special matter in evidence.

TITLE 27.

Distilling House.

P. 7. Stat. 32d. Geo. 2d, Cap. 4, Sec. 1: No. 1.

No Distilling-House to be erected within one quarter of a mile of the pickets of the Town of Halifax, under penalty of 100l. and to be removed as a public nuisance.

Dykes.

P. 122. Stat. 6th, and 7th, Geo. 3d, Cap. 1. Sec. 1 : No, 1.

Persons maliciously breaking a Dyke, &c. whereby any Lands shall be damaged, on conviction, shall suffer death.

Sec. 2 : No. 2.

Persons cutting, or carrying away, any materials that secure a Dyke, on conviction before two Justices, shall forfeit 20l. half to the poor, and half to the informer ; to be levied by distress, and for want thereof, to be committed to hard labour for six months.

TITLE 29.

Fees.

P. 259. Stat. 28th, Geo. 3d. Cap. 15, Sec. 1, 2, 3 : No: 1.

Fees appointed to be taken by several officers for their services, that is to say :—The Judge of Probates and his Registrar ; Justices of Common Pleas ; Justices of the Peace ; Clerk of the Supreme Court ; Clerks of the Peace ; and Attornies ; and in all causes where the plantiff has judgment, he shall recover his taxed cost ; and where plantiff discontinues without leave of the Court or of the defendant, or if he does not prosecute to final judgment, or where the defendant has judgment, defendant shall recover his taxed cost. No fees allowed to any but sworn Attornies. No Attornies fees to be taxed but where one is really employed ; and no services to be taxed him but for those actually performed.

Sec. 4 : No. 2.

Regulates Sheriffs' fees ; Jurors fees ; Witnesses fees ; Cryer's fees ; Constables fees ; Clerk of the Assembly, his fees ; and Coroners fees ; the Speaker to tax the fees of the Clerk of Assembly ; no bill that relates to a County, or Town, or its precincts, to be deemed a private bill ; the Coroner, where the deceased has no effects, to be paid his fees by the County ; and, if the Justices in Sessions certify, that he buried the body, he shall be paid 20s. out of the Province Treasury. The Clerk of the Court to examine all bills of costs, and one of the Judges shall certify the same.

Sec. 5 : No. 3.

An Attorney, if required, within six months after he receives payment, shall furnish the party a bill of particulars ; and, before he issues execution, he shall file, with the Clerk, a copy of his taxed bill, and shall file the judgment roll, and indorse on the execution the debt actually due.

Sec. 6, 7 : No. 4.

Any person taking, for any service mentioned in this Act, a greater fee than is established, shall forfeit 10l. and double the amount of the fees so taken ; to be recovered in a Court of Record. Prosecutions to be within six months.

P. 457. Stat. 42d, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 5.

A Table of Fees, appointed for the Court of Chancery ; any other service not provided for in the table ; to be taxed after the rate therein stated.

TITLE 30.

Ferries.

P. 237. Stat. 23d, Geo. 3d. Cap. 10. Sec. 1, 2, 3 : No. 1.

The General or Special Seſſions, in each county, to eſtabliſh Ferries, and grant Licences to Ferrymen, and make proper Rules and Regulations for the ſame : And perſons undertaking to act as Ferrymen ſubject to be fined at the Seſſions, for the breach of any ſuch Regulations, in a ſum not exceeding Forty Shillings. Perſons carrying for hire, where a Ferry is eſtabliſhed, to pay a fine not exceeding Twenty Shillings, to be recovered before two Juſtices. Not to prevent perſons ſupplying the place of a Ferryman who ſhall neglect or refuſe to attend.

TITLE 31.

Firewards.

P. 80. Stat. 2d. Geo. 3d. Cap. 5, Sec. 1 : No. 1.

Juſtices in their Seſſions, for the County of Halifax, annually, to appoint a number, not exceeding ten fit and proper perſons, as Firewards, for the Town and Suburbs ; they are to be ſworn, and to uſe a ſtaff to diſtinguiſh their office.

Sec. 2 : No. 2.

At the time of fire, they are jointly, or ſeparately, to take the command ; and to give orders reſpecting the extinguiſhing the ſame ; ſaving and ſecuring property ; pulling down houſes ; ſuppreſſing diſorders ; and are in all reſpects vigorouſly to exert themſelves ; and all perſons are to yield obedience to them ; otherwiſe, on conviction before two Juſtices, to pay 40s. to the uſe of poor ſufferers at the fire ; and, if unable to pay ſuch fine, to be impriſoned ten days.

Sec. 3, 4 : No. 3.

Two or more Magiſtrates, or Firewards, may order houſes to be pulled down ; and if the houſe pulled down ſhall be the means of ſtopping the fire, or if it ſtops before it comes to it, owner ſhall be paid ; and the inhabitants from Freſh Water River to Mauger's Diſtilling Houſe ſhall contribute. Special Seſſions to be called, to order valuation of the property, to be made by two or more perſons ; to appoint two or more perſons to make aſſeſſment on all the houſes not burnt, according to their value ; to order rate to be levied by diſtreſs, and payment made to the claimant ; no compenſation to be made to the owner of the houſe where fire began, if ordered to be pulled down.

Sec. 5 : No. 4.

Any perſon ſtealing, or concealing, of goods, at the time of the fire, and who ſhall not, within two days after proclamation, return them, ſhall ſuffer death.

P. 227. Stat. 22d, Geo. 3d, Cap. 4, Sec. 1, 2, 3, 4 : No. 5.

Each Fireward to be ſupplied with ladders, fire-hooks, axes, buckets, and bags, to be kept in each ward, at a convenient place ; at which place the inhabitants, on an alarm of fire, are to aſſemble : theſe implements to be marked with the number of the ward ; and any perſon having any of them in his poſſeſſion 24 hours after a fire, to pay a fine of forty ſhillings. The expence of procuring theſe implements to be paid by an aſſeſſment on the inhabitants. Conſtables, at the time of fire, to attend the Firewards, with their Staves.

P. 234. Stat. 23d, Geo. 3d. Cap. 6, Sec. 1, 2, 3, 4 : No. 6.

Seſſions to appoint nine perſons to the charge of the Town Engine, who ſhall keep it always in order, and ſhall be exempt from the offices of Jurors and Conſtables. They ſhall bring the Engine to all Fires, and work it under the direction of the Firewards. One of the Enginemen to have the power of a Fireward. Repair of the Engine to be provided for at the Seſſions by the Grand Jury.

Stat.

P. 257. Stat. 28th, Geo. 3d. Cap. 8, Sec. 1, 2, 3: No. 7.

No perſon to follow the buſineſs of ſweeping Chimnies unleſs licenſed by the Firewards, on pain of being puniſhed as a vagabond. Firewards to make order reſpecting ſweeping of Chimnies, which are to be ſwept at leaſt once in the month, or oftener if they think it neceſſary. If a Fire happen in houſe or chimney, the occupant to forfeit forty Shillings. If the chimney has not been ſwept, purſuant to ſuch orders, and a Fireward neglecting to proſecute for penalty, ſhall forfeit Five Pounds. Firewards to order Chimnies, Stoves or Smoke Funnels, to be altered, repaired or removed, within Twenty-four hours, if dangerous; and if the occupant neglect or refuſe, a Juſtice and three Freeholders ſhall be called to view the ſame, and if they think the ſame dangerous, and the party refuſe to repair, alter or remove, the ſame, the Juſtice ſhall proſtrate the ſame, and levy the expence by diſtreſs on the party.

Sec. 4: No. 8.

Inhabitants of Halifax ſhall be rated for the purchaſe, and keeping in order, one or more Fire Engines, the ſame to be under the direction of the Firewards, and to be kept in ſuch places as they ſhall appoint.

Sec. 5: No. 9.

No perſon to keep more than Twenty-five pounds of Gun-powder in one houſe or ſhop. Firewards to ſeize and ſell any greater quantity. Firewards to order Hay, Shavings, or combuſtible materials, to be removed, if they apprehend any danger from the ſame; and if not done in twenty-four hours, they may ſeize the ſame.

P. 277. Stat. 30th, Geo. 3d. Cap. 1, Sec. 1, 2, 3: No. 10.

The fine to be paid by perſons neglecting to ſweep their chimnies, reduced to 10s. The number of Firewards for Halifax increaſed, and limited; not to exceed fifteen; and all the Acts reſpecting Fire, and Firewards, extended to Shelburne.

P. 286. Stat. 31ſt, Geo. 3d. Cap. 8, Sec. 1: No. 11.

Juſtices, in Seſſions, to add nine more men to the Engine Company, at Halifax; who, together with the others, while they faithfully diſcharge their duty, ſhall be exempt from highway work, and ſerving as Jurors, or Conſtables.

P. 318. Stat. 33d, Geo. 3d. Cap. 7, Sec. 1: No. 12.

All the ſeveral Acts reſpecting Firewards, Fires, and puniſhing theſts at the ſame, are extended to Windſor, Annapolis, and Lunenburgh; the Seſſions, at each place, to fix the limits, within which inhabitants ſhall make good loſſes.

P. 435. Stat. 41ſt, Geo. 3d. Cap. 1, Sec. 1: No. 13.

The ſeveral Statutes reſpecting Fires, and Firewards, extended to the Town of Liverpool.

TITLE 32-33.

Fireworks.

P. 79. Stat. 2d, Geo. 3d. Cap. 4, Sec 1, 2: No. 1.

No perſon to make, ſell, or expoſe to ſale, any kind of Fireworks, or any implements for making the ſame; or to throw any kind of Firework into the ſtreet, highway, water, ſhop, or houſe; every ſuch offence ſhall be judged a common nuiſance; and every perſon ſo offending, or permitting ſuch offence, on conviction, before one Juſtice, ſhall forfeit 40s. one half to the informer, and the other half to the poor; to be levied by diſtreſs; and, for want thereof, to be committed to Houſe of Correction, or Jail, for a time not exceeding fourteen days.

Sec. 3: No. 2.

Not to prevent the Governor, or Commanding-Officer of the Troops, or perſons employed under them, from making Fireworks.

Sec. 4: No. 3.

No Bonfires to be made within three hundred yards of any building, hay or corn, under a penalty of 40s. to be recovered as aforeſaid.

TITLE 33.

Fiſh and Lumber.

P. 81. Stat. 2d, Geo. 3d. Cap. 8: Sec. 1: No. 1.

Pickled Fiſh to be of one kind in each barrel, ſweet, free from ruſt, cloſe packed, the barrels to be tight, of thirty-one and a half gallons, and full of ſweet and ſtrong pickle. Herrings to be free from oil. Merchantable Codfiſh to be the ſame as at Newfoundland. Hogſhead Staves to be forty inches long, ſix broad, and three quarters of an inch thick on the thin edge. Barrel Staves thirty inches long, four wide, half an inch on the thin edge, and for the Iriſh market, four inches broad, clear of ſap, and three quarters of an inch thick on the thin edge. Hogſhead Hoops to be ſubſtantial and well ſhaved, 15 feet long, and three quarters of an inch broad at the ſmall end. Barrel Hoops to be nine feet long and half an inch broad at the ſmall end. Boards to be full one inch thick. Shingles eighteen inches long, four inches broad, and half an inch thick at the thick end at leaſt. Clapboards five inches broad, half an inch thick at the back, and four feet four inches long. Cord Wood to be ſound hard wood, full four feet long, including half the carf, piled ſolid, four feet high, and eight feet long.

Sec. 2, 3: No. 2.

Fiſh Barrels to be of ſound, well ſeaſoned, timber, free of ſap. Coopers to make barrels agreeably to this Act, and put his brand mark thereon, under penalty of forty ſhillings. Any perſon offering for ſale deficient barrels, or being convicted before a Juſtice, to forfeit the barrels, and ten ſhillings for each, or ſuffer ten days impriſonment, for each defective barrel, provided the whole impriſonment do not exceed three months. Guagers to be appointed, who ſhall guage, and mark, all barrels, that are ſufficient, and receive eight pence per ton.

Sec. 4, 5: No. 3.

Grand Jury, at the firſt ſeſſions yearly, to appoint Guagers of Caſks and Barrels; Cullers and Surveyors of dry and pickled Fiſh, Lumber of all ſorts, and Cord Wood, who ſhall be ſworn by the Court, and, on refuſal to ſerve, ſhall pay forty ſhillings, and another be appointed in his ſtead. All vacancies in theſe offices to be filled up, in like manner, at each ſucceeding ſeſſions. Guager to forfeit ten ſhillings for every defective caſk he ſhall mark.

Sec. 6, 7: No. 4.

Pickled Fiſh offered for ſale, or ſhipped, without Surveyor's brand or mark, to be forfeited, or the value thereof by ſeller or ſhipper. Surveyor to receive two pence per barrel, and four pence per mile travel, and to open and carefully inſpect every barrel of Fiſh, and ſhall brand, with the mark appointed by the Court, ſuch as are in all reſpects agreeably to this Act; and ſhall, alſo, by a cut mark, denote the kind of Fiſh, and when packed. And if any perſon belonging to a ſhip or veſſel ſhall receive on board any pickled Fiſh, not marked and branded as aforeſaid, he ſhall forfeit double the value of the Fiſh, and the owner ſhall forfeit the Fiſh, or the value thereof. And if any perſon ſhall ſhift Fiſh after ſurvey, without having the ſame ſurveyed again, on conviction before a Juſtice, ſhall, for the firſt offence, ſuffer ſix months impriſonment; nine months for the ſecond; and twelve months for the third; and beſides pay all damage. Perſons counterfeiting mark to forfeit ten pounds, and be impriſoned one month.

Sec. 8: No. 5.

Dry Fiſh put to ſale, or ſhipped for exportation, without Culler's certificate, to be forfeited, or the value thereof. Culler to be allowed one penny per quintal, and four pence per mile travel.

Sec-

Sec. 9, 10, 11, 12, 13: No. 6.

Boards, timber, plank, ſhingles, clapboards, ſtaves, hoops, or ſlit work, delivered upon ſale, or ſhipped for export, to be forfeited, or the value thereof, unleſs ſurveyed. Shingles, clapboards, and hoops, expoſed for ſale, in bundles, if found deficient in quantity, ſhall be forfeited: ſhingles, clapboards, ſtaves, and hoops, found deficient in quality, to be burned. Surveyor to receive, from ſeller, four pence per thouſand for ſurveying boards, plank, and timber; and ſix pence per thouſand for meaſuring, and marking, with four pence per mile travel; for ſhingles, two pence per thouſand; for clapboards, two pence per thouſand for ſurveying, and one penny for telling; if he unbinds, culls, and binds up again, ſix pence per thouſand; for ſtaves, ſix pence per thouſand; for hoops, three pence per thouſand for ſurveying, and three pence for telling.

Sec. 14: No. 7.

Cordwood forfeited, or the value thereof, if ſold, and delivered, without ſurvey and examination. Surveyor allowed two pence per cord.

Sec. 15, 16, 17, 18: No. 8.

All officers to be ſworn, agreeably to the form in Act, and may retain, of the commodity, ſufficient to pay his fees, if under 20s. but if above that ſum, to be recovered before a Juſtice, and levied by diſtreſs; and all penalties and forfeitures under that Act, to go, one half to His Majeſty, and the other to the informer. If the forfeiture or penalty ſhall not exceed twenty ſhillings, to be recovered before one Juſtice; if not exceeding three pounds, then before two Juſtices; the ſame to be levied by diſtreſs. If ſufficient cannot be found to pay the leſſer ſum, offender to ſuffer twenty days impriſonment; and ſixty days impriſonment on the large ſum. Forfeitures or penalties exceeding three pounds, to be recovered in a Court of Record. This Act to be read yearly at the firſt Seſſions held in every county.

P. 123. Stat. 6th, and 7th, Geo. 3d. Cap. 2. Sec. 1: No. 9.

All Barrels of Pickled Fiſh to be branded with the Packer's name, the initials of his Chriſtian name, and Sir-name and at length, before ſhipping, or expoſure for ſale. Offender, on conviction before one Juſtice, to forfeit ten ſhillings for every caſk; to be levied by diſtreſs, half to the poor, and half to the informer.

P. 273. Stat. 29th, Geo. 3d. Cap. 11, Sec. 1, 2: No. 10.

Unmerchantable Pickled Fiſh to be viewed by three ſkilful perſons to be appointed by the Surveyor, and if, in their opinion, the ſame is unſound, the Surveyor ſhall deſtroy the ſame. If the Surveyor ſuffer any perſon to carry away condemned Fiſh, he ſhall forfeit, to the poor, twenty ſhillings per barrel; to be recovered before a Juſtice.

Sec. 3: No. 11.

No veſſel to be cleared out for Europe with Dry or with Pickled Fiſh to any foreign market until the maſter of the veſſel, ſhall produce, to the Collector and Naval Officer, a Certificate from the proper officer that ſuch Fiſh is merchantable.

Sec. 4, 5: No. 12.

Salmon tierces to contain 42 gallons, and two hundred and eighty pounds of fiſh, excluſive of ſalt and pickle; pickled fiſh barrels to contain thirty gallons.

Sec. 6: No. 13.

Surveyors of Fiſh and Lumber forfeit, to the poor, the full value of the unmerchantable Fiſh and Lumber which they ſhall paſs as merchantable, or with which they ſhall refuſe to do as the law directs.

P. 392. Stat. 38th, Geo. 3d. Cap. 2, Sec. 1, 2, 3, 4: No. 14.

Red Herrings to be ſweet, well ſaved, and packed in kegs, or boxes, nearly of a ſize. Inſpectors to be appointed the ſame as other Town Officers, at the Seſſions, in the Counties where the ſmoaking herrings is carried on. Herrings ſhipped for exportation, before they are inſpected and marked, are forfeited to the poor, and the maſter of the veſſel ſhall forfeit the value, provided it do not exceed 50l. Penalty to be recovered, if exceeding three pounds, in a Court of Record; otherwiſe before a Juſtice; half to the King, and half to the informer.

Sec. 5, 6, 7, 8, 9, 10, 11: No. 15.

Inſpector to brand each package with the firſt letters of his name, and the Town, at full length. Perſons counterfeiting the brand, or changing the package, to be proſecuted as common cheats; the ſize of the kegs, and boxes, are regulated, and the manner of marking the ſame. Inſpector for culling, repacking, and marking each package, to have five pence, and four pence per mile travel; Inſpector to deſtroy unmerchantable herrings. Pickled fiſh allowed to be exported in half, quarter, and eighths of a barrel. Act limited for a year.

TITLE 34.

Fiſhery.

P. 89. Stat. 3d and 4th, Geo. 3d, Cap. 2. Sec. 1, 2, 3 ; No, 1.

Juſtices, annually, at their firſt Seſſions, to regulate the river fiſhery ; perſons tranſgreſſing regulations to forfeit 10l. one half to the poor, the other to the informer : to be recovered in a Court of Record. Act to continue two years.

P. 118. Stat. 6th, Geo. 3d. Cap. 1, Sec. 1 : No. 2.

Makes the foregoing Act perpetual.

P. 162. Stat. 10th, Geo. 3d. Cap. 10, Sec. 1, 2, 3 : No. 3.

Maſter of any veſſel or boat to forfeit 5l. if convicted before two Juſtices, of any perſon under his command having thrown into the ſea, within three leagues of the ſhore, any of the offal of the fiſh they may take ; half the penalty to His Majeſty, and half to the informer. Boat fiſhermen, dreſſing fiſh on the ſhore, may throw the offal in the land waſh.

P. 199. Stat. 15th, 16th, Geo. 3d. Cap. 10, Sec. 1, 2 ; No. 4.

Juſtices, in General Seſſions, to make regulations for the River Fiſhery, and to affix a penalty, not exceeding ten pounds, for breach thereof ; penalty, if not over twenty ſhillings, to be recovered before one Juſtice ; and, if not exceeding three pounds, before two Juſtices. Juſtices to appoint Overſeers, with power to remove every thing which ſhall be contrary to regulations.

Sec. 3, 4, 5 : No. 5.

Nets, &c. found in rivers, contrary to regulations, with the fiſh found therein, to be forfeited ; if no perſon claim the ſame, in ten days, to be ſold for the penalties ; and, if any, overplus to go to the poor. Act to extend only to rivers that fiſh reſort for ſpawning, and to continue two years.

P. 210. Stat. 18th, Geo. 3d. Cap. 4, Sec. 1 : No. 6.

Act of the 15th and 16th Geo. 3d. made perpetual.

P. 247. Stat. 26th, Geo. 3d, Cap. 7, 2d Seſs: Sec. 1, 2 : No. 7.

Mill Dams, or other obſtructions, hereafter to be placed in rivers, where fiſh reſort, are to have a proper waſte-gate kept open, while the ſeaſon laſts, for fiſh to paſs : where that is not the caſe, the Seſſions, on complaint, are to give notice to the party, and to order the Sheriff to take an inqueſt ; and, if the finding be for the complainant, the Seſſions are to order a ſufficient waſte-gate to be fixed by the owner, who is likewiſe to pay a fine, not exceeding fifty pounds, nor to be leſs than ten, with coſts ; to be levied by diſtreſs ; and for want thereof the party to be committed for three months.

Sec. 3 : No. 8.

If the party refuſe to obey the order of the Seſſions, three Juſtices, on complaint, or view, may hold a Special Seſſions ; and, on proof of neglect, to order the Sheriff to pull down, and remove, the Dam ; and all perſons, when required, are bound to aid the Sheriff, who may, on any ſuit againſt him, give the ſpecial matter in evidence.

Sec. 4 : No. 9.

Owners of Dams, now erected on ſuch rivers, are bound to have waſte-gates for the fiſh ; and on neglect to be proceeded againſt as aforeſaid. Perſons complaining, without cauſe, to pay coſt and fines, to be applied to the roads.

Sec. 5, 6 : No. 10.

Perſons owning the lands through which a river runs, are to have the excluſive right to the fiſh thereof ; the Seſſions to appoint proper places in the river for common fiſheries, where all perſons may take fiſh.

Sec. 7 : No. 11.

Juſtices, at the firſt Seſſions of each County, to diſtinguiſh the rivers or ſtreams fit for tranſporting wood or lumber ; and owners of mill-dams, on theſe rivers, are to be ordered, by Seſſions, to have proper waſte-gates, not only for fiſh, but alſo for wood and lumber to paſs ; and, perſons neglecting to obey ſuch order, may be proceeded againſt as aforeſaid, and the dams removed as aforeſaid.

Sec. 8 ; No 12.

Owners of dams heretofore built on rivers, with the conſent of the inhabitants thereof, are not ſubject to the penalties of this Act ; but the Juſtices may, if occaſion requires, order proper paſſages to be made therein, under the direction of ſuch perſons as they may appoint.

Sec. 9 : No. 13.

Special Seſſions to be held throughout the Province, to make regulations reſpecting the ſetting of nets in havens, rivers, creeks or harbours, ſo as to prevent the fiſhery from being injured : ſuch orders to be enforced as ſpecified in the Act to which this Act is in amendment. This Act to continue to the end of the year 1787.

P. 6.
P. 66.
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TITLE 35.

Forcible Entry.

P. 6. Stat. 32d. Geo. 2d, Cap. 3 : Sec. 1, No. 1.

Any Juſtice of the Peace, on complaint, to iſſue his warrant to arreſt any perſon forcibly entering, and detaining, any houſes, lands or tenements, and to commit ſuch perſon until he ſhall find Sureties to anſwer complaint at the next General Seſſions.

Sec. 2 : No. 2.

Seſſions to enquire by the oath of the party greived, and other credible proof, and if the perſon be convicted by the Jury poſſeſſion to be reſtored within 14 days, without appeal, and the party grieved by action may recover treble damages and coſt.

Sec. 3 : No. 3.

Perſons peaceably poſſeſſed three years, not to be affected by this Act.

P. 66. Stat. 1ſt, Geo. 3d. Cap. 2, Sec. 1 : No. 4.

Minors, *Feme Covert*, inſane perſons, or perſons abſent from the Province, may ſue, within five years, after impediment removed.

P. 216. Stat. 19th, Geo. 3d. Cap. 10. Sec. 1, 2 : No. 5.

Where tenant ſhall overhold, after expiration of his term, and notice, two Juſtices, on complaint, to iſſue warrant, and detain the party until he ſhall give ſecurity to appear at the next Supreme Court, where, if a Jury ſhall find the party guilty of overholding, the Court by writ, ſhall cauſe the landlord to be put in poſſeſſion, who may, by action on the caſe, recover againſt defendant treble rent, and coſt of ſuit. Tenants, by the year, to have three months warning; by the month, one month's warning; and, by the week, one week's warning.

TITLE 36-37.

Foreſtallers.

P. 9. Stat. 32d, Geo. 2d. Cap. 10, Sec. 1, 2, 3, 4: No. 1.

Importers of live ſtock, (oxen and ſheep excepted) dead freſh proviſions, grain, hay roots, or garden ſtuff, ſhall bring the ſame to a public Wharf, and give notice thereof by the common cryer: ſuch articles to remain openly expoſed to ſale for 48 hours; and none of the aforeſaid articles ſhall, during ſaid 48 hours, be ſold, or contracted for, in groſs, under penalty of forfeiting the ſame, or the value thereof, upon conviction, by the oath of one credible witneſs, before two Juſtices; to be levied by warrant of diſtreſs: half to the informer, and half to the poor. Not to extend to flour of all kinds, buiſcuit or fiſh. Two Juſtices, on proof made before them, may permit damaged, or decaying, articles to be ſold in the ſpeedieſt manner. Proſecutions to be in ten days.

P. 119. Stat. 6th, Geo. 3d. Cap. 6, Sec. 1: No. 2.

Perſons buying any proviſion, for the uſe of man, coming by land or water to fair, or market, within ten miles of the ſame, for the purpoſe of enhancing the price, ſhall be deemed a foreſtaller.

Sec. 2: No. 3.

Perſons obtaining, in any fair, or market, to ſell again within a month, any proviſions brought there to be ſold ſhall be deemed a regrator.

Sec. 3: No. 4.

A Perſon convicted at Seſſions, of either offence, to be fined not exceeding 10l. and, on non-payment, to ſuffer impriſonment, not to exceed two months, at the diſcretion of the Court: half the fine to the poor, the other to the informer.

P. 210. Stat. 18th, Geo. 3d. Cap. 5, Sec. 1, 2, 3: No. 5.

Any perſon buying cord-wood to ſell again, except when it ſhall be 15s. per cord, or under, ſhall not, within ten miles of Halifax, buy, engage, or contract for, any cord-wood coming to be ſold under penalty of 10s. per cord, over and above the price of the wood: to be recovered before two Juſtices. Nothing in this Act to prevent the purchaſe of wood for His Majeſty's Troops.

P. 395. Stat. 38th, Geo. 3d. Cap. 4, Sec. 1, 2: No. 6.

Juſtices, in the Seſſions, to regulate the time when perſons buying wood, to ſell again, or retail, may purchaſe; the ſame alſo the mode of retailing, meaſuring and delivering, ſuch wood; and, from time to time, to alter ſuch regulations: and thoſe who diſobey the ſame, ſhall forfeit a ſum not exceeding the value of the wood: half to the poor, and half to the informer. This Act limited to a year.

P. 25.

TITLE 37.

Fortifications.

P. 208. Stat. 18th, Geo. 3d. Cap. 1, Sec. 1, 2: No. 1.

When the Military Commander in Chief ſhall want any lands for fortifications, or other Miltary uſes, the Civil Commander in Chief, on his requeſt, may appoint a Court to be held in the County where

where the lands lie; and such Court shall order a Jury, of 24 freeholders, to be summoned from the town or precinct nearest to the land, who shall be sworn to value the same.

Sec. 3, 4, 5: No. 2.

The Jury shall return a verdict under the hands and seals of at least, twelve: describing the premises, and to whom the same belong; and, also, the value thereof; which verdict, when entered by order of the Court, shall become a record, and the value found being paid to the proprietor, or guardians of minors, or into Court if refused, the lands so valued shall be vested in His Majesty for ever. Lands formerly taken for Military uses to be valued the same way.

Sec. 6: No. 3.

If the Sheriff refuse to summon Jury, he shall forfeit 20l. and every Juror neglecting to attend shall pay 5l.

TITLE 38.

Frauds and Perjuries.

P. 25. Stat. 32d, Geo. 2d. Cap. 18, Sec. 1, 2: No. 1.

Leases or bargains respecting messuages, lands, tenements, or hereditaments made by livery and seisin, or parol only, void both in law or equity, and to have the force only of leases at will, unless put in writing, and signed by the parties, or by others lawfully authorised, by writing, to execute the same on their behalf; except leases not exceeding the term of three years; if the rent reserved be equal to two thirds, at least, of the improved value.

Sec. 3: No. 2.

All assignments, grants, or surrenders of leases, for terms of years, or freehold interest, or any uncertain interest in messuages, lands, or tenements, to be void, unless put in writing, and signed by the parties as aforesaid.

Sec. 4: No. 3.

No Executor, or Administrator, shall be charged by action, on any special promise, to answer out of his own estate, nor shall any other person be charged, on any special promise, to answer for the debt of another, or upon any contract respecting the sale of lands or tenements, or any interest therein; or upon any other agreement not to be performed within the space of one year; unless such promise, contract or agreement, or a memorandum thereof, be put in writing, and executed by the party as aforesaid.

Sec. 5: No. 4.

No contract, for the sale of goods, for the price of ten pounds, or upwards, shall be binding, unless a memorandum thereof be made in writing, and signed by the party, or his agent, or some of the goods delivered, or some earnest given to bind the bargain.

Sec. 6, 7, 8, 9, 10: No. 5.

All declarations, or creations of trusts, respecting lands or tenements, to be void, unless made in writing, signed by the party, or by his last will, in writing; but all trusts which arise by implication, or construction of law; or which are transferred, or extinguished, by implication, or construction of law, are not to be altered by any thing herein contained; and all grants, and assignments of trust, shall be void, unless made in writing, or by will, as aforesaid. Trust Estates, shall be taken in execution, the same as any other estate of the party, and the interest of the *Cestui Que* use, shall be held thereby, free from all claim of the trustees. Trust Estates, in fee simple, descending to heirs, are made assets by descent in the hands of such heir, and chargeable, with the ancestor's obligation; but such heir shall not, by any mode of pleading, be charged to pay out of his own estate.

Sec. 11: No. 6.

Estates *pour auter vie* are deviseable by will, executed according to law; and if no devise be made thereof,

of, the ſame ſhall be chargeable as aſſets by deſcent in the hands of the heir, as ſpecial occupant; and, for want thereof, ſhall go to the executors or adminiſtrators of the party, and be aſſets in their hands, to be applied and diſtributed according to law.

Sec. 12, 13, 14, 15: No. 7.

The firſt Judge of every Court to ſign judgment without fee, and ſet down the day, month, and year, of his ſo doing, upon the docket which ſhall be entered on the margin of the record when the judgment be entered, and the ſame ſhall be conſtrued as againſt *bona fide* purchaſers of lands, as judgments only from ſuch date: no ſatisfaction of any judgment to be entered on motion of attorney, except his warrant be proved by the affidavit, in writing, of a credible witneſs. No goods to be bound by execution, but from the time of delivering the writ to the officer, who is, without fee, to indorſe the time he received the ſame.

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TITLE 39.

Gaming.

P. 46. Stat. 35d, Geo. 2d. Seſs. 2, Cap. 1, Sec. 1: No. 1.

Public gaming at cards, dice, tennis, bowls, or any other game, lotteries, and public gaming tables, decreed nuiſances; all notes, bonds, judgments, mortgages, ſecurities, or conveyances, if any part of the value be won at any game whatſoever, or knowingly lent for the purpoſe of gaming, whether made to the gamblers themſelves, or others in truſt for them, are utterly void; and if the ſame reſpect lands, or hereditaments, ſuch are to go to the next heir, or heirs, the ſame as if the grantor had died before the executing ſuch conveyance; and all grants, or conveyances, made to prevent ſuch deſcents, are void.

Sec. 2, 3 4: No. 2.

Perſon loſing at any unlawful game, any thing above the value of twenty ſhillings, may, within one month, recover the ſame back, by action for money had and received, or trover and converſion, (if goods are loſt) with coſt; and if the loſer neglect to ſue, any other perſon may, in one month thereafter, ſue for the ſame, one half to be for his uſe, and the other for the poor. Parents, guardians, or maſters, may recover treble the value of property won from a minor, with coſts. Fraudulent gamblers, if convicted on indictment, or information, to forfeit to the perſon who will ſue for the ſame, five times the value of the property won.

P. 2

Sec. 5: No. 3.

Two or more Juſtices may enter any public houſe, ſuſpected of keeping a gaming table, and direct the keepers to remove the ſame within 48 hours; and, on neglect, or refuſal, Juſtices to break and proſtrate the ſame, and to require ſecurity from the keeper for 12 months good behaviour, or appearance at Seſſions, where, if convicted, he ſhall be fined or impriſoned as the Court ſhall direct.

Guagers, how appointed.

P. 72. Stat. 1ſt, Geo. 3d. Cap. 9, Sec. 1, 2, 3, 4 : No. 1.

Governor to appoint two perſons Guagers for the port of Halifax, who ſhall be ſworn, and ſhall guage with the callipers only all ſpirits imported or diſtilled; and ſhall be allowed out of the duties on ſpirits, a ſalary not exceeding 25l. each yearly, and may, alſo, take as fees, 6d. for a puncheon or pipe, 4d. for a hhd. or tierce, and 2d. for a barrel, and ſo on in proportion; at every other place where it ſhall be neceſſary to appoint a Guager, he may take the ſame fees, with 6d. per mile travel; and, if a Guager neglects his duty, he ſhall, for each offence, forfeit 5l. with coſts, to be recovered before two Juſtices, half to the informer and half to the poor. Guagers to have no fees for guaging the ſtock of rum at diſtilling houſes.

P. 81. Stat. 2d, Geo. 3d. Cap. 8, Sec. 2 : No. 2.

Guagers to guage and mark all fiſh barrels.

P. 291. Stat. 32d, Geo. 3d. Cap. 3, Sec. 1, 2, 3 : No. 3.

Wine, rum, and molaſſes, to be guaged by the ſworn Guager, on landing, and, before removal, Guager to mark, with an iron, in a fair and legible manner, the caſk, on the head, or near the bung, with the initial letters of his name, and the contents. Guager to be allowed, for every caſk, exceeding ten, guaged at one time, as follows, *that is to ſay*, three pence for each puncheon, two pence for each hogſhead or tierce, and for a barrel one penny, in lieu of the preſent allowance. Guager to forfeit forty ſhillings for every refuſal, or neglect, of duty; to be recovered before a Juſtice; half to the informer and half to the poor. Any caſk removed, or expoſed to ſale, without being marked as aforeſaid, to be forfeited, and ſeized by any Revenue Officer; half to the King, and half to the informer. In the out-ports, they may uſe the rod, if there is no perſon capable of guaging with the callipers; likewiſe, in the port of Halifax, if parties conſent.

TITLE 41.

Grain.

P. 291. Stat. 33d, Geo. 3d. Cap. 4, Sec. 1 : No. 1.

Every Grand Jury, and Seſſions, to appoint, annually, two perſons, to meaſure corn, grain, ſalt, coals, and lime, and to inſpect bricks.

Sec. 2, 3, 4 : No. 2.

Wheat not to be deemed merchantable unleſs it weigh fifty eight pounds; rye, fifty ſix pounds; Indian, corn, fifty eight pounds; barley, forty eight pounds; oats, thirty-four pounds; and, peaſe, ſixty pounds; and to be inſpected and meaſured, at the deſire of the purchaſer, who, with the ſeller, are, equally, to pay the expence of the Inſpector, who is to be paid for all grain except oats, two ſhillings for every hundred buſhels, and one ſhilling for each hundred buſhels of oats. Inſpector to add, to the buſhel of grain, as much as will make it ſtandard weight, and likewiſe to deduct from the buſhel, if it ſhould weigh more than the ſtandard. Perſons exporting grain, of leſs weight than the ſtandard, and without inſpection, to forfeit a ſhilling for every buſhel; half to the informer, and half to the poor; to be recovered before a Juſtice.

Sec. 5 : No. 3.

Bricks to be no leſs than eight inches in length, and four inches in width, two inches thick; and, to be ſold ſix ſcore to the hundred.

Sec. 6, 7 : No. 4.

Salt, coals, and lime, for ſale throughout the Province, to be meaſured, and bricks inſpected; the ſeller to pay Inſpector one penny for a hogſhead of ſalt; three pence for a chaldron of coals; and, for the hogſhead of lime,

which is to contain eight heaped bushels, two pence ; and two pence per thousand for bricks : the officers to be sworn ; and, on refusal to accept the office, or neglect, or misbehaviour, shall pay a fine not exceeding three pounds : all grain, salt, coals, and lime, imported into the Province, to be subject to these regulations.

TITLE 42.

Grist Mill.

P. 162. Stat. 10th, Geo. 3d. Cap. 8, Sec. 1, 2, 3 : No. 1.

Grist to be taken for grinding corn, and grain of all kinds, to be one sixteenth part, to be ascertained by a sealed measure ; a person taking a greater toll, to forfeit to the poor the value of the overplus, together with 40s. to be recovered before two Justices. No miller obliged to grind grain which is not dry, clean, and in good order.

P. 224. Stat. 21st, Geo. 3d. Cap. 5, Sec. 1 : No. 2.

Miller, keeping a bolt, shall be obliged to bolt the meal, ground by him, for a toll of one pint out of a bushel, and subject to the penalty of former Act if he refuse.

P. 252. Stat. 28th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 3.

One quart out of a bushel to be allowed for bolting ; the miller who shall demand, or take, more, or refuse to bolt, is made subject to the penalties of the 10th Geo. 3d. and a miller refusing to grind grain, is made subject to the same penalties.

Guardianship of Minors.

P. 37. Stat. 32d, Geo. 2d. Cap. 26th, Sec. 1, 2 : No. 1.

Fathers, whether of age or not, may, by deed, or will, duly executed, diſpoſe of the guardianſhip of their unmarried children, or of poſthumous children, until the age of twenty-one, to any perſon or perſons in poſſeſſion or remainder, being proteſtants : which diſpoſition ſhall be good againſt all others claiming the ſame, and ſuch guardians may maintain actions, and recover damages, againſt any perſon who ſhall take ſuch child away, and may receive, for the uſe of ſuch children, the profits of their real eſtate, and the management of their perſonal eſtate, during their minority, and may maintain actions for them.

Sec. 3, 4, 5, 6, 7, 8 : No. 2.

Governor may appoint guardians for proteſtant minors entitled to real eſtate, making ſuch appointment to the next of kin, being proteſtants ; and, if they refuſe, to any other, being a proteſtant ; allowing minors, above 14 years, to chooſe for themſelves, and taking good ſecurities, from ſuch guardians, for the faithful diſcharge of the truſt ; ſuch guardians, for the time of their appointment, to have the ſame power they would, if appointed as aforeſaid, by the father of the minor. If guardian ſhould die, before he has accounted, his heirs, executors or adminiſtrators, muſt account to the minor, or his repreſentative ; in caſe of death, nothing in this Act to diſcharge apprentices bound by Overſeers of the Poor.

Sec. 9 : No. 3.

Poſthumous Children not provided for by the Father's will, to ſhare in his eſtate, as though the father died inteſtate.

TITLE 44.

Guns Firing.

P. 37. Stat. 32d, Geo. 2d. Cap. 25, Sec. 1, 2, 3 : No. 1.

Any perſon, whatſoever, who ſhall unneceſſarily fire a gun, piſtol, or any kind of fire arms, in any part of the town or ſuburbs of Halifax, to forfeit 10s. half to the King, and half to the informer, on conviction before a Juſtice, to be levied by diſtreſs, and, for want thereof, offender to be ſent to goal for twenty-four hours. Complaint to be within twelve hours.

P. 156. Stat. 9th, 10th, Geo. 3d. Cap. 3, Sec. 1 : No. 2.

Children, under the age of fourteen, firing out of a gun, or piſtol, or any other perſon, within the peninſula of Halifax, unneceſſarily firing a gun, &c. within one hundred yards of a perſon on horſeback, or in a carriage ; ſuch perſons, or their children, their parents, guardians, or maſters, ſhall pay the penalty in former Act, to be levied in like manner.

P. 322. Stat. 33d, Geo. 3d. Cap. 12, Sec. 1 : No. 3.

The Act to prevent firing of guns, &c. in the town of Halifax, extended to the town plot of Dartmouth.

TITLE 45-46.

Hawkers and Pedlars.

P. 225. Stat. 22d, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4, 5: No. 1.

Hawkers and Pedlars, (except at public fares, and markets) with the consent of, at leaſt, three Juſtices, to take out licenſes at Halifax, from the Clerk of Licenſes; and, elſewhere in the Province, from the Clerk of the Peace, and to give the ſame kind of bond that perſons keeping licenſed houſes do, and to pay, if he travel on foot, 3l. every half year; if with one horſe, 6l. and 2l. for every horſe or beaſt, more than one; the licenſe to expreſs the number of horſes, and goods expoſed to ſale without ſuch licenſe, forfeited; the duty, and two thirds of the fines and forfeitures to be applied to the roads, the other third to the informer; to be recovered in a Court of Record. Juſtices, Sheriffs, and Conſtables, to ſee this Act carried into effect; perſons ſelling goods of their own making, or hawking fiſh, fruits, or vegetables, or travelling tinkers, glaziers, coopers, or harneſs menders, not obliged to take licenſe.

TITLE 46.

Hides.

P. 73. Stat. 1ſt, Geo. 3d. Cap. 12, Sec. 1, 2, 3: No. 1.

No raw Hides, Sheep or Calfſkins to be laden on board a veſſel, before bond, for one hundred pounds, be given, to carry the ſame to Great-Britain, and no where elſe, under penalty of forfeiting the ſame, and the maſter ſhall alſo forfeit the value of ſuch as ſhall be found on board; and, if carried out of the Province before ſeizure, the maſter to forfeit double, and the ſhipper treble, the value. Proſecution to be in twelve months: but ſuch articles may be exported to His Majeſty's Plantations, when the price ſhall be under three half-pence per lb.

Sec. 4, 5,: No. 2.

A butcher, or other perſon, offering for ſale any hide, or ſkin, cut, whereby the ſame ſhall be impaired, in flaying thereof, ſhall forfeit, for each offence, twenty ſhillings; to be recovered before a ſingle Juſtice be diſtreſs; and, for want thereof, offender to be impriſoned twenty days; half the penalty to the informer, and half to the poor; the penalties, for unlawful exportation, to be recovered in a Court of Record, half to the informer and half to His Majeſty.

P. 162. Stat. 10th, Geo. 3d. Cap. 9, Sec. 1: No. 3.

When hides are under three pence per lb. they may be exported to the Plantations.

P. 214. Stat. 19th, Geo. 3d. Cap. 3, Sec. 1, 2: No. 4.

Searchers of Leather to view, at the ſlaughter-houſe, or tanners, every hide or ſkin before delivered on ſale, and to make reaſonable allowance for any injury the ſame may have received; and any perſon ſelling the ſame, without inſpection, ſhall forfeit 20s. for each hide or ſkin: to be recovered before a Juſtice. Searcher to receive for each hide three-pence, and for each ſkin one penny.

Highways.

P. 74 Stat. 1ſt, Geo. 3d. Cap. 14, Sec. 1 : No. 1.

Grand Jury, at the Firſt Seſſions, after the firſt of January, yearly, to appoint two Surveyors of Highways, for each town ; to be ſworn, and ſerve for a year ; and, on refuſal to ſerve, or for each neglect of duty, to pay 5l. to be recovered in a Court of Record, and applied to repair the highways.

Sec. 2, 3, 4, 5, 6 : No. 2.

Owners of Carts, &c. to furniſh a cart, with two oxen, or two horſes, and an able driver to work on highways four days each year, and eight hours each day, penalty 10s. for each day's neglect ; and all other perſons (hired ſervants excepted) to work ſix days each year, finding their own tools, under penalty of 3s. for each day's neglect : penalties to go to repair highways, and be recovered by diſtreſs, on complaint, before one Juſtice. Conſtables, in each Town, to make a liſt of owners of carts, &c. and perſons bound to work in the Town ; and ſhall make an equal diviſion of the highways for the Overſeers to work upon ; all which ſhall be delivered, in writing, and ſigned by them, to the Overſeers. Surveyors to ſummon inhabitants to work, giving notice of time, and place, at leaſt, ſix days previous : work to be done between firſt of April and firſt of November, (ſeed time and harveſt time excepted.) Surveyor to overſee workmen, and is excuſed from any other ſervice on highways. Surveyors, if they think neceſſary, may order cart owners to furniſh two labourers with tools each day, inſtead of a team, and are to account to the Seſſions at the end of the year.

P. 108. Stat. 5th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 3.

If new highways are wanted, or old ones to be altered, the Seſſions, on application, to impower two or three ſufficient freeholders, of the next towns, to report on the neceſſity thereof ; and, if the ſame ſhall appear of common conveniency, Seſſions ſhall order the Marſhall to ſummon a Jury from the next towns, who ſhall be ſworn, by a Juſtice, to lay out the ſame in the moſt convenient way for the public, and with the leaſt poſſible damage to the proprietor ; and upon their doings being returned, and recorded, the ſame ſhall be after known for a public highway. All future highways to be 100 feet. Before recording ſuch public highways thirty days notice to be given.

Sec. 3 : No. 4.

Seſſions, on application, to order Surveyors to lay out private ways : party who may be injured to be firſt paid his damage.

Sec. 4, 5, 6 : No. 5.

Perſon, without authority, altering, or encroaching, on a public, or private, road, ſhall, on complaint to Seſſions, forfeit 5l. to be levied by diſtreſs, applied to repair roads ; Conſtables to make out liſts of teams, houſholders, and labourers, within their Townſhips, and ſummon them to work, in ſuch numbers, and at ſuch times, as the Surveyor ſhall appoint. All perſons between 16 and 60 to labour on the roads.

P. 179. Stat. 13th, 14th, Geo. 3d. Cap. 3 Sec. 1, 2, 3 : No. 6.

All forfeitures and penalties, for neglect of duties, to be ſued for by Surveyors, the ſame as any other debt, before one or more Juſtices ; two Juſtices, on application, may leſſen the number of poor perſons' days labour ; aged perſons, who are exempt from perſonal labour, ſhall ſend carts, if they keep any.

Sec. 4 : No. 7.

Juſtice, on view, or the oath of one credible witneſs, may fine a perſon incumbering the ſtreets, or roads, not to exceed 20s. to go to the poor, and be levied by diſtreſs, if the party be known ; or, otherwiſe, by ſale of the articles conſtituting the nuiſance, every continuance of which ſhall be deemed a new offence.

P. 216. Stat. 19th, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 8.

Jurors to ſettle the damages where new roads are laid out, to be ſummoned from the next Townſhips to the Town where the lands lie. Surveyors not to alter, or amend, a road, without the conſent of three Juſtices.

P. 234. Stat. 23d. Geo. 3d. Cap. 5, Sec. 1 : No 9.

All highways, now in uſe, to continue their preſent breadth, or not to exceed 66 feet wide.

P. 254. Stat. 28th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 10.

Inhabitants, when called on by the Overſeers, in the winter, obliged to work with cattle and ſleds, to render the roads paſſable, not to exceed one day's work at each fall of ſnow when the depth is more than twelve inches ; on neglect, to forfeit ten ſhillings, to be recovered before a Juſtice.

P. 271. Stat. 29th, Geo. 3d. Cap. 7, Sec. 1, 2, 3 : No. 11.

All ſleds drawn by more than one beaſt, and conſtructed to carry loads, going or coming to or from Halifax, or uſing the road to it, ſhall be not leſs than four feet in width, meaſuring from the outſide of the runners, and the cattle drawing the ſame, ſhall be harneſſed ſide by ſide, under penalty of ten ſhillings for each offence ; to be recovered before a Juſtice to the uſe of the informer ; and all ſleds, hereafter uſed in the ſettled townſhips ſhall be the ſame breadth, under the like penalty.

P. 295. Stat. 32d, Geo 3d, Cap. 6, Sec. 1 : No. 12.

All wheels uſed for drawing timber, or lumber, on the road from the boundary of the County of Hants, to the Baſon at Sackville, or on the Hamond Plain road, ſubject to a penalty, unleſs the felloes be of nine inches breadth ; nor ſhall any kind of timber, or lumber, be trailed on ſuch roads, under penalty of five pounds, to be recovered from the driver, or owner, with coſt, in any Court of Record for the County, half to the informer, and half to the poor.

P.

P. 326. Stat. 33d, Geo. 3d. Cap. 15. Sec. 1 : No. 13.

Carriages laden with timber, and drawn by one horſe only, on the Windſor or Hammond Plain road, may have wheels of leſs width than nine inches ; but if drawn by more than one horſe, the wheels muſt be of the width of ſix inches. The duration of this Act limited to the end of the next ſeſſion.

P. 369. Stat. 36th, Geo. 3d. Cap. 6. Sec. 1, 2 : No. 14.

Inhabitants may build a Bridge over Tuſket river, provided they keep therein a Drawbridge to permit veſſels and boats to paſs.

P. 369. Stat. 36th, Geo. 3d. Cap. 7. Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 : No. 15.

The Governor may incorporate a Company, for ninety-nine years, to build a Bridge over the harbor of Halifax ; which Company may make bye-laws, raiſe ſubſcriptions, ſell ſhares, and occupy the land and water, from high water mark, at the place where the Bridge ſhall be built. The Company muſt allow the free paſſage of veſſels and boats through ſuch Bridge ; may erect toll gates, and eſtabliſh a toll. After ninety-nine years the property in the Bridge to veſt in the public ; and unleſs the Bridge be completed in ten years this Act to be of no effect.

P. 419. Stat. 40th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 16.

Commiſſioner wanting to change, or enlarge, a road, by taking enclоſed, or improved, land for that purpoſe, ſhall cauſe a plan to be made, and laid before two Juſtices, who ſhall order a Special Seſſions to be ſummoned, by the Clerk, within ten days ; if the Juſtices approve of the new road, the Sheriff ſhall be ordered, by Seſſions, to ſummon a Jury of twelve diſintereſted freeholders from the next Town, who ſhall lay out the road, and value the damage to be done thereby to the owners of the land ; and if the road is to go through waſte lands, and there ſhould appear any ſpecial damage, the ſame is to be eſtimated as aforeſaid.

Sec. 3, 4 : No. 17.

Notice of the return of the verdict to be given the parties, that they may object ; and, if the Seſſions confirm the verdict, the road ſhall be made, and forever after remain public. The expence and coſt to be paid out of the Treaſury.

Sec. 5, 6 : No. 18.

Owners of the land, obſtructing the Commiſſioner, to be puniſhed as for a miſdemeanor ; and Jurors to forfeit 20s. for non-attendance, to be recovered before two Juſtices.

P. 436. Stat. 41ſt, Geo. 3d. Cap. 3, Sec. 1 : No. 19.

A part of Albermale Street, appointed for the uſe of His Majeſty's South Barracks.

P. 437. Stat. 41ſt, Geo. 3d. Cap. 5. Sec. 1, 2, 3 : No. 20.

Five perſons, appointed Commiſſioners, to keep in repair the ſtreets of Halifax, and the peninſula. The Governor, with the advice of his Council, to fill up vacancies. Commiſſioners to divide the diſtricts into wards amongſt themſelves, to call out the ſtatute labour, and to have all the power reſpecting the applying money, and labour, that the Overſeers of the Highways had ; alſo, empowered to prevent encroachments, and to recover all monies due for roads and ſtreets, by action, or otherwiſe, to pave water ſtreet firſt, and then to pave other ſtreets in ſucceſſion, and to have the ſole direction of repairing, and making, roads, and ſtreets, within the diſtrict ; with power to take gravel ſtones, and other neceſſary materials.

Sec. 4, 5, 6, 7, 8, 9 : No. 21.

Commiſſioners have power to alter water-courſes, and make drains, and ſewers ; perſons incumbering the ſtreets, are made liable to proſecution ; and the Commiſſioners to remove all incumbrances, and ſell articles left as nuiſances, after notice to the party to remove the ſame. Perſons building, may, with the leave of the Commiſſioners, depoſit their materials in the ſtreets. Commiſſioners may ſink wells and erect pumps, remove ſigns, porches, or fences, that incumber the ſtreet, if built within twenty years ; perſons intending to build ſhall apply to the Commiſſioners, under a penalty of ten pounds if they begin to build before ſuch application. Commiſſioners to regulate the line of the ſtreet for ſuch perſon. No perſon to open, or break up, a ſtreet, without permiſſion from Commiſſioners.

Sec. 10, 11, 12, 13, 14 : No. 22.

One third of the licenſe duty granted to the Commiſſioners ; an exact account of receipts and expenditures, to be kept by the Commiſſioners ; ſuch accounts to be paſſed in the General Aſſembly. No ſuit to be commenced againſt any perſon acting under this Act, until after twenty days written notice, nor after ſix months from the time the cauſe of action accrued. Action to be tried in the County of Halifax ; defendant may tender amends, and plead the general iſſue, and give this Act in evidence. If judgment for defendant, to have treble coſt allowed. All monies, received by Commiſſioners, to be applied to the purpoſes of this Act ; and the power of Overſeers of Highways, within the town and peninſula of Halifax, hereafter veſted in the Commiſſioners.

P. 459. Stat. 42d, Geo. 3d. Cap. 5. Sec. 1, 2, 3, 4 : No. 23.

In the Diſtricts of Colcheſter and Pictou, the Seſſions may raiſe money to make and repair ſuch Roads as the Statute labour is inſufficient to make or repair. Perſons aſſeſſed may pay in labour inſtead of money. All money raiſed in a Townſhip to be expended within the ſame. Commiſſioners to be appointed by the Seſſions to lay out the money, who are to account at the January Seſſions.

P. 462. Stat. 42d, Geo. 3d. Cap. 8. Sec. 1 : No. 24.

Commiſſioners of the Streets at Halifax, their power extended to the Nine Mile Poſt at Sackville.

P.

P. 481. Stat. 44th, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 25.

Perſons on the Windſor and Hammond Plain Roads, may uſe wheels of leſs width than nine inches; but if leſs than ſix inches, the perſon uſing the ſame, ſhall work two additional days on the roads for every horſe or ox employed to work with narrow wheels, or otherwiſe pay three ſhillings for each day's work.

Sec. 4, 5 : No. 26.

Perſons who trail any Timber on thoſe Roads when bare of ſnow, to pay a fine not exceeding twenty-ſhillings, or leſs than five ſhillings. All penalties to be paid to the overſeers.

Sec. 6 : No. 27.

Perſons carting Plaiſter of Paris on the roads in the townſhip of Windſor, ſubject to the ſame regulations.

TITLE 48.

Indians.

P. 78. Stat. 2d, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 1.

Governor to order the Attorney General to proſecute in a ſummary way, in a Court of Record, any perſon who ſhall wrong or cheat the Indians; ſuch proceeding to be deemed legal; and this Act to be in force until the trade ſhall be regulated.

TITLE 49.

Inferior Courts and Seſſions.

P. 39. Stat. 32d, Geo. 2d. Cap. 27, Sec. 1 : No. 1.

Seſſions at Halifax to be held the firſt Tueſdays of December, March, June and September.

P. 126. Stat. 7th, Geo. 3d. Cap. 5. Sec. 1 : No. 2.

Inferior Court and Seſſions to be held at Lunenburgh the ſecond Tueſdays of April and October.

P. 161. Stat. 10th, Geo. 3d. Cap. 7 : No. 3.

Seſſions and Inferior Courts for Queen's County, to be held at Liverpool, the ſecond Tueſday of April and ſecond Tueſday of November.

P. 237. Stat. 23d, Geo. 3d. Cap. 11, Sec. 1, 2 : No. 4.

Inferior Court eſtabliſhed in the Diſtrict of Colcheſter.

P. 243. Stat. 26th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 5.

Seſſions and Inferior Court for the County of Cumberland, to be held aunually, at Amherſt, the laſt Tueſday of October; and executions iſſued from the Supreme Court at Amherſt, to be returnable in ſixty days.

P. 243. Stat. 26th, Geo. 3d. Cap. 2, Sec. 1, 2, : No. 6.

Three Juſtices, one to be of the quorum, to call Special Seſſions in the ſeveral Counties, and to try offenders committed for petit larceny, either by indictment, or in a ſummary way; but not to paſs ſentences, or inflict puuiſhment, unleſs offender is convicted by a Jury.

P. 246. Stat. 26th, Geo. 3d. Cap. 2. 2d Seſs. Sec. 1 : No. 7.

Seſſions, and Common Pleas, to be held at Windſor, for the County of Hants, on the firſt Tueſday of April, and laſt Tueſday of October.

P. 270. Stat. 29th, Geo. 3d, Cap. 5. Sec. 1, 2 : No. 8.

Seſſions, and Inferior Court, appointed to be held at Yarmouth, in the County of Shelburne, firſt Tueſday of April, and laſt Tueſday of October; and, all the laws reſpecting the proceedings of ſuch Courts, are extended to the Courts to be held there.

P. 286. Stat. 30th, Geo. 3d, Cap. 6. Sec. 1 : No. 9.

Seſſions, and Common Pleas, to be held at Shelburne the firſt Tueſday of March, the firſt Tueſday of July, and firſt Tueſday of November, every year.

P. 288. Stat. 31ſt, Geo. 3d. Cap. 11, Sec. 1 : No. 10.

Inferior Court, and Seſſions, to be held at Amherſt, in the County of Cumberland, the laſt Tueſday of October.

P. 297. Stat. 32d, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 11.

Inferior Court and Seſſions for the Diſtrict of Colcheſter, to be held at Onſlow, on the firſt Tueſdays of July and January; and for the Diſtrict of Pictou, at Walmſley, on the third Tueſdays of July and January. The juriſdiction of Walmſley Court is deſcribed and limited, and the Onſlow Court is to extend over the remainder of the Diſtrict of Colcheſter, to continue while the Diſtrict of Colcheſter is part of the County of Halifax.

P. 367. Stat. 36th, Geo. 3d. Cap. 3, Sec. 3 : No. 12.

Inferior Court to ſit at Halifax the firſt Tueſdays of March, June, September, and December, each term not to exceed fourteen days; the Court to regulate the number of return days.

Sec. 4 : No. 13.

Inferior Court, and Seſſions, at Cumberland, to ſit the day after the meeting of the Supreme Court, and to have the ſame grand and petit jury that attended the Supreme Court.

P. 368. Stat. 36th, Geo. 3d Cap. 5, Sec. 1 : No. 14.

The Courts, for the Diſtrict of Yarmouth, ſhall, in future, be held at Tuſket Village.

P. 387. Stat. 37th, Geo. 3d. Cap. 5, Sec. 1 : No. 15.

Seſſions, and Inferior Court, to be held at Guyſborough, in the County of Sydney, the firſt Tueſdays of March and of October.

P. 406. Stat. 39th, Geo. 3d. Cap. 6, Sec. 1 : No. 16.

Seſſions, and Inferior Court, at Horton, to be held the third Tueſday of June, and firſt Tueſday of October.

P. 409. Stat. 39th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 17.

Clerks of the Peace to enter, in a book, the names of the Juſtices who attend the Seſſions, and to return, to the Supreme Court, the names of ſuch Juſtices as neglect to attend; if negligent Juſtices do not offer a ſufficient excuſe, their names are to be returned to the Governor from the Supreme Court, after which return, ſuch Juſtice is out of Office; the Clerk who neglects making ſuch return, to forfeit 5l. to be recovered before two Juſtices,

Sec.

Sec. 3 : No. 18.

Sheriffs to summon the Juſtices to attend the Supreme Court, who ſhall give their attendance until diſcharged : the Council, and thoſe who are Juſtices throughout the Province, excuſed.

P. 422. Stat. 40th, Geo. 3d. Cap. 5, Sec. 1, 2, 3 : No. 19.

Inferior Court and Seſſions to be held at Annapolis the firſt Tueſday of April, and firſt Tueſday of November ; and, at Digby, the third Tueſday of June, and third Tueſday of December. The Inhabitants of the Eaſtern part of the County of Annapolis excuſed from ſerving at Digby ; and thoſe of the Weſtern part from ſerving at Annapolis. All Money Preſentments to be made at the Supreme Court.

P. 468. Stat. 43d. Geo. 3d. Cap. 2, Sec. 1, 2, 3 : No. 20.

Authorizes the Grand Jury at the Court of Aſſize for the County of Annapolis to raiſe money to build a Court-Houſe in the Weſtern Diſtrict. The ſitting of the Seſſions and Inferior Court at Digby is alſo changed to the ſecond Tueſday of June.

P. 483. Stat. 44th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 21.

Inferior Court and Seſſions for the Diſtrict of Colcheſter, to be held, in future, at Truro ; and all writs and proceſs are made returnable at that place.

TITLE 50.

Innholders.

P. 77. Stat. 2d, Geo. 3d. Cap. 1. Sec. 1 : No. 1.

No Innholder, Tavern-Keeper, Ale-Houſe-Keeper, or Retailer of Spirituous Liquor, ſhall recover, by law, more than five ſhillings, from any perſon for Spirituous Liquor, mixed or unmixed, ſold on credit.

Sect 2 : No. 2.

If any perſon ſhall give a pawn, or pledge, for Spirituous Liquors, exceeding the value of five ſhillings, a Juſtice of the Peace, on proof of the fact on oath, or otherwiſe to his ſatisfaction, ſhall cauſe the ſame to be reſtored, and ſatisfaction made for any injury done thereto, and ſhall fine the party twenty ſhillings and coſts.

Sec. 3, 4 : No. 3.

Such perſons ſhall not ſuffer any apprentice, bound ſervant, or negro ſlave, to ſit drinking in their houſes, or ſell or give them any Spirituous Liquors, unleſs by leave of their maſter or maſtreſs, under a penalty of twenty ſhillings, to be

applied to ſupport the poor; the ſame to be levied by diſtreſs, on conviction before one Juſtice; and for want of diſtreſs offender to be committed one month. This Act not to prevent travellers or boarders from receiving neceſſary refreſhment, on credit, at ſuch houſes.

TITLE 51.

Inſolvent Debtors.

P. 90. Stat. 3d, and 4th, Geo. 3d. Cap. 5, Sec. 1: No. 1.

Perſon charged in execution, deſiring to be releaſed, muſt petition the Court if ſitting, and if not, two of the Judges, and exhibit an account, on oath, of all his effects, real and perſonal. Priſoner to be brought before them, and creditors ſummoned to appear. If they neglect to attend, Judges are to examine the matter of the petition.

Sec. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12: No. 2.

If creditors are ſatisfied with priſoner's oath, priſoner is, by indorſement on petition, to aſſign the property to one or more creditor in truſt for the reſt; and ſuch aſſignment ſhall be ſufficient to veſt the whole property in Aſſignee, who may recover the ſame in his own name, the ſame as a Bankrupt's Aſſignees could; then priſoner to be diſcharged, and property divided amongſt creditors in proportion to their debts. If creditors object to priſoner's diſcharge, he muſt be remanded, and creditors ordered to appear at a certain day before the Court, for further examination. If creditors refuſe to agree, in writing, to allow priſoner eight pounds of bread per week until the time of examination, or ſhall fail to ſupply the ſame, priſoner to be diſcharged. Priſoner refuſing to make oath, or detected of falſity, to be remanded. Juſtices to certify their proceeding to the Court, to be made a record; and their proceedings to be as effectual as if done by the Court. If creditor neglects to appear on the ſecond day appointed, Court may diſcharge priſoner, and order property to be aſſigned: But if creditor inſiſts on priſoner's being detained, Court to order him his bread as aforeſaid. If petition be made during the ſitting of the Court, the proceedings to be the ſame as before mentioned. Priſoner not to have the benefit of this Act unleſs he petition Juſtices within fourteen days after being charged in execution; or the Court, before ten days lapſe after ſitting of the firſt Court ſubſequent to his being charged in execution. Priſoner's perſon, apparel of him and family, and tools only, freed by diſcharge. The judgment to continue in force, and execution may iſſue againſt lands or effects. Priſoner, if convicted on indictment for perjury, to ſuffer accordingly, and be again charged in execution. Sheriff and Goaler to ſhare for their fees with creditors; and if they offend againſt this Act to forfeit fifty pounds, to be recovered in a Court of Record, and be liable, beſides, to all other pains and penalties. The affirmation of Quakers may be taken. No debtor to be diſcharged if the whole debts for which he is impriſoned exceed one hundred pounds.

P. 483. Stat. 44th, Geo. 3d, Cap. 11, Sec. 1: No. 3.

The benefit of the Act of the 3d and 4th years of His preſent Majeſty extended to perſons confined for debts not exceeding three pounds; and two of the Juſtices of the Peace for the County, one of whom to be the Juſtice who iſſued the execution, are to grant relief.

Intereſt.

P. 160. Stat. 10th, Geo. 3d. Cap. 5, Sec. 1, 2, 3: No. 1.

Intereſt on any Loan of Money, or goods of any kind, ſhall not exceed ſix per cent. by the year. Contracts of every kind for a higher intereſt are void; and a perſon who under contrivance of any bargain, ſhall accept and receive a higher intereſt, ſhall forfeit treble the value of the loan, to be recovered in a Court of Record in the county where the offence committed: half to the King, and half to the informer. Not to extend to bottomery of ſhip or veſſel; and contracts made prior to this Act to be valid.

P. 183. Stat. 14th, and 15th, Geo. 3d. Cap. 1, Sec. 1: No. 2.

Perſons may hire or let live ſtock of any kind, or grain; the lender or hirer taking the riſk on himſelf, without being liable to be charged as for a uſurious contract: Nevertheleſs, if the property is loſt or converted by the borrower, he ſhall make good the full value.

Sec. 2, 3: No. 3.

All unfiniſhed proſecutions for uſury, in the hiring of live ſtock or grain, to be no further proſecuted; and all future proſecutions for uſury, to be brought within twelve months after offence. Perſons aggrieved by judgment of Inferior Court, may bring writ of error or appeal to Supreme Court.

TITLE 53.

Juries.

P. 365. Stat. 36th, Geo. 3d. Cap. 2, Sec. 1: No. 1.

Perſons reſident three months, and having a freehold in the county of ten pounds yearly value; or a perſonal eſtate worth one hundred pounds, are liable to ſerve as Grand Jurors; ſo perſons in like manner reſident, and having a freehold of twenty ſhillings yearly value, or a perſonal eſtate worth ten pounds, are liable to ſerve on Petit Juries, Members of Council and Aſſembly, Treaſurer, Secretary, Law Officers, Staff Officers, and Army Clerks, Officers, Clerks, and Labourers employed in the Naval Yard and Ordnance, Officers of the Cuſtoms, Regiſtrar, Chief Surveyor, Naval Officer and his Deputies, Miniſters, Attornies, Phyſicians, Surgeons, Engine Men, and perſons above ſeventy years of age, are exempted from ſuch duty.

Sec. 2, 3, 4: No. 2.

Sheriff, every year after the preſent, on or before the tenth of April, to return to the Prothonotaries, or Clerks of the Courts, a liſt of all perſons liable to ſerve as aforeſaid; and they are to put their names, on ſeparate pieces of paper, into a box to be by them kept locked. Sheriffs to have liberty to inſpect the Rate Books of the county. Grand Juries to ſerve for a year, and to be drawn at the laſt ſitting of the Court each year. Petit Juries to ſerve one ſeſſion of the Court, and to be drawn the laſt day of the ſitting of each Court. Liſt of the Juries when drawn, are to be ſigned by the ſenior Judge preſent; and *Venires* to be iſſued by the Prothonotaries, or Clerks, ten days before the meeting of the Court. Grand Jurors to pay a fine not exceeding twenty ſhillings, and Petit Jurors not exceeding ten ſhillings for each day's default. Fines to be applied to the county uſe. If there appear in any term a defect of Jurors, others may be drawn and ſummoned, and a talis may be awarded and returned for the trial of a particular cauſe, if a ſufficient number of the regular jury make default.

Sec. 5, 6: No. 3.

Supreme Court, on motion, may allow a Special Jury to be ſtruck before the Prothonotary, according to the courſe of the common law. In any caſe, civil or criminal, Prothonotary ſhall have a fee of five ſhillings, for attending ſuch ſtriking. In caſes of view, ſix or more Jurors may be ſelected for that purpoſe by the parties; or, if they cannot agree, by the Court, with two perſons to ſhew the premiſes. Viewers to be firſt ſworn to try the cauſe; but the trial ſhall proceed although the view ſo allowed be not made.

F. 180.

TITLE 54.

Lands liable to Debts.

P. 21. Stat. 32d, Geo. 2d. Cap. 15, Sec. 1 : No. 1.

Executions iſſued on judgments recovered, to be levied on real eſtate. If the perſon againſt whom the ſame ſhall iſſue, refuſe or neglect to ſatisfy the ſame with money or other perſonal eſtate. When real eſtate ſhall be taken, the Provoſt Marſhal, at the requeſt of the creditor, is to give the debtor and creditor notice, in writing. Each to appoint an appraiſer, and the Provoſt Marſhal is to nominate a third, who are to be diſcreet and indifferent freeholders. If debtor or creditor, three days after ſuch notice, refuſe or neglect to appoint an appraiſer ; or if abſent from the Province, and have no known agent within the ſame, in ſuch caſe the Provoſt Marſhal ſhall nominate an appraiſer. The appraiſers to be duly ſworn, and to view the eſtate taken in execution ; and if in their opinion, or of any two of them, the rents be ſufficient to pay the debt in two years, with intereſt and repairs, then the execution to be levied on the rent only ; and perſons in poſſeſſion are to be cauſed to attorn as tenants to the creditor, to pay rent quarterly. The creditor to hold and receive the rents, until debt, coſt, and intereſt be paid. Creditors may diſtrain for rent, and remove the perſons, who refuſe to pay, from poſſeſſion.

P. 254.

Sec. 2, 3 : No. 2.

If in the opinion of two or more of the appraiſers, the rent ſhall not be ſufficient, then execution to be levied on a part of the eſtate, if it can be conveniently done ; if not, upon the whole. Poſſeſſion to be given to the creditors, tenants, or perſons in poſſeſſion, to attorn to pay rent to creditor, and to be diſtrained or removed as aforeſaid. Appraiſement of ſuch rents or eſtate to be made in writing, and ſigned by the appraiſers ; the ſame to be annexed to executions, and returned with it, to be filed by the Clerk of the Court, and recorded by him in a book to be kept for that purpoſe. Provoſt Marſhal, in conſideration of the value of ſuch eſtate found by the appraiſers, ſhall execute a deed thereof to the creditor ; which deed, or ſaid return, ſhall make to him a good title in fee ſimple, ſubject to a right in the debtor to redeem, as hereafter mentioned. Clerk of Court refuſing or neglecting his duty, to pay to party injured, five pounds : to be recovered by action of debt.

Sec. 4, 5, 6, 7 : No 3.

Debtor may, at any time within two years, redeem his lands, by paying debt, coſt and intereſt, with the amount of all neceſſary repairs ; not to exceed one half the rent, which the creditor may, if he ſee cauſe, expend, with as much more as the debtor ſhall conſent to. Creditor is bound to accept ſuch payment, and ſurrender the eſtate to the debtor, with the quiet poſſeſſion ; and the debtor, if he ſee fit, may have action of account againſt the creditor : But if the appraiſement of the eſtate be of greater value than the debt, then the creditor, within thirty days after the expiration of the two years, ſhall cauſe the ſale of the premiſes at public auction, to be advertiſed ; and the Provoſt Marſhal is to ſell the ſame, and execute a deed to the purchaſer, which, when regiſtered, ſhall make him a title in fee ſimple. If lands ſell for more than the debt, &c. the creditor to pay the ſurplus to the debtor, and account for rents and profits, deducting repairs. But if the lands ſell for leſs, the creditor to have an *alias* execution. The right of redemption to remain always open to the creditor, until final ſale. If real eſtate, upon appraiſement, be found inſufficient to pay debt, or if the rent at the end of two years be inſufficient, then an *alias* execution to iſſue : On which the other effects of the debtor or his body may be taken. But poor inſolvent debtors are not to be detained contrary to the law of the Province.

P. 14

P. 95. Stat. 3d, 4th, Geo. 3d. Cap 8, Sec. 1, 2 : No. 4.

Debtors, or perſons in poſſeſſion of lands taken in execution, who ſhall refuſe to attorn to, and pay, the creditor the rent fixed by the appraiſers, to be proſecuted for a wrongful detainer ; and where the rents of the lands are found inſufficient to pay debt, the creditor is to fix the rent ; and party refuſing to attorn according to the form in the Act, and to pay ſuch rent, is likewiſe to be proſecuted as before.

Stat.

P. 180. Stat. 13th, and 14th, Geo. 3d. Cap. 4, Sec. 1, 2: No. 5.

Notice of the sale of lands, by virtue of execution, to be given in the news-paper, and in some public place near where the lands lie, at least three times during three months before sale. Where execution shall be levied on part of the lands, appraisers to set off that part which will be least injurious to the debtor. Minors, *feme coverts*, persons *non compos mentis*, imprisoned or absent from the Province, may, if they have title, sue for lands so sold, if within six years after impediment removed.

TITLE 55.

Law Suits.

P. 254. Stat. 28th, Geo. 3d. Cap. 5, Sec. 1, 2: No. 1.

Defendant in any cause pending in a Court of Record, or before a Justice, may file his set off four days before the Court, or with a Justice any time before the trial; and both demands on issue joined, are to be tried, and judgment given accordingly. If defendant, on trial, is unable to prove his offset, he may afterwards put it in suit against the plaintiff, provided at the trial he makes oath that he has a just demand against plaintiff, which he is then unable to prove.

Sec. 3: No. 2.

If it shall appear to the Court, that the plaintiff, in an action, had an opportunity of pleading his demand as a set off, such plaintiff shall pay cost, though a verdict be in his favor.

TITLE 56.

Leather.

P. 148. Stat. 8th, and 9th, Geo. 3d. Cap. 4, Sec. 1, 2, 3: No. 1.

No dressed leather to be exposed to sale until viewed, stamped and marked, by the proper officer, under penalty of twenty shillings for every hide, and five shillings for every skin. The first letter of the town in the Province where the leather is manufactured, shall be marked on the skin, together with the weight thereof, by the proper officer, who shall receive three pence for a hide, and one penny for a skin. Any person convicted before two Justices of counterfeiting the stamp, shall forfeit ten pounds.

Sec.

Sec. 4 : No. 2.

Penalties to be recovered before two Juſtices, and levied by diſtreſs ; and for want thereof, offender to be impriſoned one month ; half penalty to the informer, and half to the poor.

TITLE 57.

Licenſed Houſes.

P. 411. Stat. 39th Geo. 3d. Cap. 13, Sec. 1, 2, 3, 4 : No. 1.

No perſons, directly or indirectly, to diſpoſe of ſpirituous ſtrong liquors, wine, ale, beer, or cyder, mixt, or unmixt, without licence, under a penalty of not leſs than 5l. or more than 10l. to be recovered before two Juſtices, and levied by diſtreſs ; and for want thereof, offender to be committed to hard labour for three months. Proſecutions to be within three months. Perſons licenſed are to keep a ſign, under penalty of 5l. and to ſell only in their dwelling-houſe, under the ſame penalty as for ſelling without licence.

Sec. 5, 6 : No. 2.

Grand Jury, at the Spring Seſſions, to recommend ſo many perſons of good fame, as, in their opinion, will be ſufficient to be licenſed in the County, ſetting forth and deſcribing the reſidence of each perſon recommended, out of which liſt the Juſtices to licence ſo many as they ſhall think fit, each of whom ſhall enter into a recognizance, with one good ſurety for 50l. to keep an orderly houſe, and to yield obedience to the laws reſpecting licenced houſes. The Clerk of Licences to have five ſhillings for his fee. Licenſed houſes, on the peninſula of Halifax, to pay 6l. yearly, and, in other parts of the Province, 3l. One quarter to be paid in advance. Juſtices may, where occaſion ſhall require, on the public roads, grant licences gratis.

Sec. 7, 8 : No. 3.

Juſtices to appoint a day in every Spring Seſſions to grant licences ; and all licences granted any other day to be void ; on which day the Clerk ſhall receive the quarter's advance, and take a liſt of their places of abode. In caſe the perſon nominated for a licence ſhould neglect to take it out, or ſhould die, or his licence become vacant, the Seſſions may, in any future Seſſion, grant a licence to another in his ſtead ; and, except in the Town of Halifax, all perſons licenſed ſhall keep a ſign, with entertainment for man and horſe, and, at leaſt, two ſpare beds, with meat, drink, ſtables, hay, and provender for man and horſe ; otherwiſe the licence to be taken away.

Sec. 9 : No. 4.

Tavern keepers not to ſuffer diſorderly perſons, hired ſervants, apprentices, or minors, to reſort to their houſes, or to have liquor therein ; nor to ſuffer perſons, not being ſtrangers, or lodgers, to reſort there on the Lord's day ; a Juſtice on his own view, or on complaint, on oath, to commit ſuch perſon, unleſs he gives ſecurity to appear at next Seſſions, where he may be indicted, and, if convicted, ſhall forfeit his licence, and pay the penalty of his bond. The 5th and 9th Sections of this Act to be poſted up in every public room in a tavern.

Sec. 10, 11 : No. 5.

Shop licences may be granted to retail not leſs than one quart of liquor, except at Halifax, where a gill may be retailed ; ſuch licenſes, at Halifax, to pay a yearly duty of 4l. and in the reſt of the Province forty ſhillings, with a fee of five ſhillings to the Clerk ; one quarter to be paid in advance. If perſons having ſhop licences, ſuffer liquor to be drank in ſuch ſhop, they ſhall be puniſhed as for ſelling without licence, and ſhall keep the tenth ſection poſted up in their ſhop, under pain of forfeiting licence. Licences, at preſent granted, to be in force until the firſt Seſſions, in the year one thouſand eight hundred, and to laſt afterwards but for one year, unleſs renewed. Shopkeepers may ſell not leſs than one gallon of liquor without licence.

Sec. 12, 13 : No. 6.

Witneſſes refuſing to give evidence, or miſbehaving, to forfeit 10l. and, for want thereof, to be impriſoned three months. Witneſſes to be paid for attendance ; half of all penalties to go to informer, and the other half paid to the Clerk of Licences, to be by him accounted for.

Sec. 14, 15, 16, 17, 18 : No. 7.

Clerk at Halifax to pay amount of collections, quarterly, into the treaſury, deducting a commiſſion of ſeven and a half per cent. the money to be expended under the direction of the Governor, on the roads within ten miles

miles of the town. No money to be paid for such work out of the Treasury, until the Sessions and Grand Jury shall examine the accounts, and certify the same, which certificate shall be annexed to the warrant. Clerks of the Licence, throughout the rest of the Province, to pay into the County Treasury; and the Justices are to cause the money to be expended on the roads. Clerks neglecting to pay over the monies received, to forfeit double the sums. Clerks to visit taverns and shops to see this Act complied with, to prosecute offenders, and to be sworn faithfully to do their duty; and persons interrupting them in doing their duty, liable to be indicted, and imprisoned. The Governor to appoint the Clerk of Licences at Halifax; and the Justices in Sessions, on the recommendation of the Grand Jury, to appoint the Clerks in the rest of the Province, during pleasure.

Sec. 19, 20, 21, 22: No. 8.

No goods, or merchandize, to be sold in a tavern, under penalty of 20l. If a quarter's payment be due ten days, the Clerk may sue the parties' bond before a Justice; the Clerk of the Peace to read this Act every Spring Sessions. Act limited for a year.

P. 430. Stat. 40th, Geo. 3d. Cap. 14, Sec. 1: No. 9.

That part of the Act which prevented goods from being sold in a Tavern or liquor drank in a shop, is changed, and persons paying an additional duty of ten shillings, may, on the recommendation of the Grand Jury, have a licence so to do, such licence to be posted up in the shop or tavern.

P. 445. Stat. 41st, Geo. 3d. Cap. 12, Sec. 1, 2: No. 10.

Keepers of Licensed Houses obliged to pay the Clerk of the Peace 2s. 6d. for taking and entering the recognizance.

P. 480. Stat. 44th, Geo. 3d. Cap. 5, Sec. 1.

Licence Duty Acts continued to 31st December, 1805.

TITLE 58.

Light-House.

P. 43. Stat. 33d. Geo. 2d. Cap. 2, Sec. 1, 2, 3, 4, 5: No. 1.

Recites the building of a Light-House on Sambro Island pursuant to the Statutes of last Session; and imposes a duty of sixpence per ton on all vessels coming into Halifax harbour, except coasters, and fishing vessels, and vessels in His Majesty's service; if their charter exempt them from port charges; duty to be paid on vessels going out, and before clearance. Freeholders of the Province to pay for their vessels only 4d. per ton; the duty, if refused, to be recovered, if exceeding forty shillings, before two Justices; if less, before one. No vessel to be deemed a fishing vessel, unless wholly employed therein; or a coaster, unless employed as such wholly within the Province. Coasters to pay twenty shillings per annum. Monies collected to be applied to support the Light-House; surplus to be for the use of the government.

P. 253. Stat. 28th, Geo. 3d. Cap. 3, Sec. 1: No. 2.

All vessels coming in, or going out, of the harbour of Shelburne, after 1st of Jan. 1788, shall pay 4d. per ton to support the Light-House there. Coasters, fishing vessels, and transports, in the King's service, if exempt by their charter, are excepted; and vessels owned by freeholders to pay only 3d. per ton duty, to be paid before clearing out vessel, and may be sued for before two Justices. Receiver to be appointed by the Governor.

Sec. 2, 3: No. 3.

No vessels to be deemed coasting or fishing vessels, unless wholly employed therein; coasting vessels to pay twenty shillings a year, and one shilling for every ton above twenty tons; money to be paid into the Province Treasury, and applied to support the Light-House; surplus to go to other uses of government.

P. 327. Stat. 33d, Geo. 3d. Cap. 16, Sec. 1, 2, 3: No. 4.

Registered vessels, not wholly employed in the fishery, and which do not come once in the year to Halifax, and Shelburne, and there pay the light duty, shall pay yearly in the harbour to which they belong, four pence per ton; all vessels which are not owned by some person in the Province, (ships of war, and ships chartered

chartered to government, excepted,) that shall enter any harbour of the Province, not to the north east of Canso, shall pay the Shelburne light duty. The Governor to appoint persons to collect the duties in all such harbours; or, otherwise, to farm the same for a period not greater than a year.

Sec. 4, 5, 6 : No. 5.

Persons, after demand, who refuse to pay the duty, or depart without paying the same, shall forfeit 5l. over and above the duties, to be recovered in a Court of Record, and the Collector may seize the vessel, and lodge the same with the nearest Custom-House Officer, until the fine and duties be paid, or security given; monies arising from this Act to go to support the Light-Houses, the Governor to contract for lighting the same.

Sec. 7, 8 : No. 6.

Vessels owned by companies, shall be considered as belonging to a freeholder of the Province, if one of the partners reside in it. The duration of the Act limited to three years. This Act is made perpetual by 43d Geo. 3d. Cap. 4.

P. 349. Stat. 35th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 7.

Light money to be paid for each vessel immediately on its arrival at Halifax, or Shelburne, and the master is subject to a penalty of 5l. if he refuses, and the Collector may seize the vessel, until the duty, with the penalty, is paid: any person obstructing the Collector subject to a penalty of 20l. Naval Office not to clear out vessel, without a certificate of the duty paid, and to keep a regular account of all vessels that shall arrive, with the names of the masters, and owners, and to send a copy thereof, quarterly, to the Treasurer, and is allowed, from each vessel, a fee for his trouble.

P. 368.

P. 389. Stat. 37th, Geo. 3d. Cap. 9, Sec. 1 : No. 8.

Revives and continues the Act of the 33d. Geo. 3d.

P. 470. Stat. 43d, Geo. 3d. Cap. 4, Sec. 1, 2, 3, 4 : No. 9.

All vessels entering the Gut of Annapolis, after the Light House there shall be lit, shall pay the same light duty as at Halifax; and the Halifax light duty is also to be paid at Shelburne. Monies to be levied, and applied, the same as at Halifax, and the several Acts respecting Light-Houses, are extended to the Light-House at Annapolis, and made perpetual.

P. 64.

TITLE 59.

Limitation of Actions.

P. 34. Stat. 32d, Geo. 2d. Cap. 24, Sec. 1, 2, 3 : No. 1.

All Actions, both in law or equity, for the recovery of lands, shall be commenced within twenty years, after title thereto has accrued, right of entry is taken away after twenty years, and those who neglect to enter within that time, are forever excluded. Minors, *feme coverts*, persons *non compos*, and persons imprisoned, or beyond seas, at the time title accrued, exempted, in case they commence their suit within ten years after impediment removed.

Sec. 4, 5, 6, 7, 8, 9 : No. 2.

P. 28.

Actions of trespass, *quare clausum fregit*, trespass, detinue trover, replevin debt, when on contract, without specialty, assault, menace, battery, wounding and imprisonment, actions of account, and upon the case, (other than accounts concerning trade between merchant and merchant) must be commenced within the following periods: that is to say, the said actions on the case, (other than for slander) account, trespass, debt, detinue, replevin, and trespass, *quare clausum fregit*, within six years after cause of action, and actions of trespass, assault, battery, wounding and imprisonment, within one year; and actions on the case, for words, within six months after words spoken; and where judgment in any of the aforesaid actions shall be re-

versed

reverſed, or arreſted, after verdict for plaintiff, or where the defendant has been outlawed, and afterwards ſhall reverſe ſuch outlawry, ſuch actions may be re-commenced within one year; and, in actions *quare clauſum fregit*, if treſpaſs be involuntary, defendant may plead a diſclaimer, with tender of amends; and, if the iſſue on ſuch plea be found for defendant, or plaintiff be nonſuit, the ſame ſhall be a perpetual bar; and, in actions of treſpaſs, aſſault and battery, and actions for words, if damages are found under 40s. the plaintiff ſhall recover no more than 40s. coſt, unleſs in actions of aſſault and battery, or treſpaſs; the Judge ſhall certify on the Record that the aſſault was ſufficiently proved, or that the title of the land was chiefly in queſtion, or that the treſpaſs was voluntary, or malicious; in ſuch caſe, plaintiff to have full coſt, though damage found under 40s. *feme coverts*, minors, perſons *non compos mentis*, impriſoned, or beyond ſea, at the time the right to any of the aforeſaid actions accrued, may commence the ſame within the times before limited, after ſuch impediment be removed; and if the perſon or perſons who may be liable to any of the aforeſaid actions, be beyond ſea when the action accrued, the plaintiff may bring ſuch action after defendant's return, if done within the times reſpectively limited as aforeſaid.

P. 368. Stat. 36th, Geo. 3d. Cap. 4, Sec. 1 : No. 3.

In all actions of treſpaſs for entering a cloſe, where the title to the land is not the chief queſtion, plaintiff ſhall give defendant notice, in writing, at leaſt ſeven days before the iſſuing proceſs, that he may offer ſatisfaction: plaintiff, without proving ſuch notice, ſhall recover no more coſt than damage.

TITLE 60.

Lord's Day.

P. 64. Stat. 1ſt. Geo. 3d. Cap. 1, Sec. 1 : No. 1.

No ſhop to be opened, on the Lord's Day, for ſale of any goods, except milk, or freſh fiſh, which may be ſold, before nine o'clock in the morning, or after five o'clock in the evening.

Sec. 2 : No. 2.

No labour to be done on the Lord's Day, (except works of charity or neceſſity.) No ſports, or paſtime, on that day, under penalty of ten ſhillings for each offence, on conviction before one Juſtice.

Sec. 3 : No. 3.

Tavern keepers not to ſuffer inhabitants to drink, or idle their time in their houſes, on the Lord's Day, and to keep their doors ſhut during Divine Service under penalty of ten ſhillings for each offence. Perſons found drinking on that day, in any public houſe, to pay 5s.

Sec. 4 : No. 4.

Churchwardens and Conſtables to walk through the Town, during Divine Service, to ſuppreſs all diſorders.

Sec. 5 : No. 5.

All perſons, in health, and above the age of 12 years, to be fined by a ſingle Juſtice, if abſent three months together from Divine Service.

Sec. 6, 7, 8, 9 : No. 6.

All fines to be for the uſe of the poor of the Town; proſecution muſt be in ten days after offence; penalties to be levied by warrant of diſtreſs; and, for want thereof, offender to be committed to Jail for twenty-four hours. This Act to be read at the opening of every Seſſions of the Peace, and twice in each year in every place of public worſhip.

P. 284. Stat. 31ſt. Geo. 3d. Cap. 3, Sec. 1 : No. 7.

Service of any proceſs on the Lord's Day, except for treaſon, felony, or breach of the peace, unlawful, and the party injured by ſuch ſervice, may recover damages.

TITLE 61-62.

Losses by Depredation of the Enemy.

P. 231. Stat. 23d, Geo. 3d. Cap. 2, Sec. 1, 2, 3, 4 : No. 1.

Governor to appoint Commissioners in any County where required, who shall advertise the time and place of meeting, and shall give special notice to those who may have recovered judgment on account of losses by the enemy, against any inhabitant of the Province, requiring them to make proof of such losses ; and the Commissioners, after due examination, shall state an account of the real losses of those who have recovered judgment, and report the same to the Chief Justice, with the names of the inhabitants who have been instrumental in producing such losses ; and if parties refuse to appear, Commissioners may make an *ex-parte* report.

Sec. 5, 6 : No. 2.

Supreme Court to examine report, and if it appear that any such judgments have been improperly obtained, or that others ought to contribute to the payment thereof, Supreme Court may set such judgment aside, and may order the amount of the real loss to be assessed on the persons who should make good the same ; and the execution of all such judgments is suspended until the Court shall have examined the same.

P. 463.

TITLE 62.

Markets.

P. 9. Stat. 32d, Geo. 2d. Cap. 10, Sec. 1, 2, 3 : No. 1.

Live stock, (oxen and sheep excepted) dead fresh provisions, grain, hay, roots, and garden stuff, imported for sale, shall be cried, and exposed for sale, 48 hours before the same shall be sold at wholesale, under pain of forfeiture. Not to extend to flour, buiscuit, or fish, articles in a perishable state may by permission be sold. Offences to be prosecuted within ten days.

P. 24.

P. 396. Stat. 39th, Geo. 3d. Cap. 1, Sec. 1, 2, 3 : No. 2.

Governor to appoint Commissioners to repair, or rebuild, the market-house in Halifax, and to build a vegetable market, also to build a country market. Commissioners to appoint a keeper, or keepers, and receiver of the rents of such markets, with an allowance for their trouble. Commissioners to account for the monies expended on such buildings, and for the rents, and all monies received. Commissioners to let the stalls at Auction : a quarter's rent to be paid in advance ; arrears of rent to be recovered before a Justice, and defaulter excluded from his stall, which shall be let again.

Sec. 4, 5 : No. 3.

Butchers, and journeymen, to conform to the regulations of the Sessions. After the town market shall be ready all meat and poultry shall be sold by butchers in the market-house, during market hours, under penalty of 5l. Market hours from sun-rising to sun-setting, and on Saturdays two hours after sun-set, and on Sundays from sun-rising until nine o'clock.

Sec. 6, 7, 8 : No. 4.

Countrymen, and their servants, may sell their meat in all places, and at all hours, alive or dead : two Justices to notify any person who shall pretend to sell meat as a countryman, and such person shall forfeit, after such notice, 10s. for every offence. Stalls in the country market to be let at a shilling per day to countrymen : not exceeding seven days to one person. Weights, scales and measures, to be provided for such markets ; and, if lost, the value to be paid by those having the use of the same. Sessions to regulate the country market, and persons not conforming thereto to forfeit, for each offence, 10s.

P. 67

Sec. 9 : No. 5.

Commissioners to settle with the Trustees of the fish-market, and to have the same with the vegetable market, under their care, and to receive the rents. Sessions to regulate these markets as aforesaid.

P. 69

Sec. 10, 11, 12, 13, 14, 15 : No. 6.

P. 22

Keeper to attend during market hours ; and he, and also the Clerks of the Market, shall seize all meat, fish and fowl, tainted, blown, stuffed, or deceitfully set off, or offered for sale contrary to the regulations of the Sessions : two Justices to view and condemn the same, and order it to the poor, or to be destroyed if the same be unfit for food. Justices may fine the person exposing the same 10s. Contractors for supplying Army or Navy not restrained to the rules in this Act contained. Butchers unlawfully combining together to pay a fine not exceeding 50l. Keeper and Clerks of the Market, to take an oath to execute this Act, and the regulations of Sessions. Penalties and forfeitures, not otherwise provided for, to be recovered before two Justices : half to the prosecutor and half to the Commissioners. The rents to be applied, by the Commissioners, to pay salaries, and other purposes necessary to give effect to this Act. Former Acts respecting the markets of Halifax repealed.

P. 31

407. Stat. 39th, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 7.

Justices in Sessions for Queen's County may procure, and fit up, a market-house, in the town of Liverpool, and appoint the market days ; the Act against forestalling shall be in force in Queen's County ;

County; after such market shall be established, Justices to appoint, and, at pleasure, to remove, the keeper, who shall have the power of a constable, and may make bye-laws to regulate such market, provided the same are not repugnant to the laws of Great-Britain.

P. 463. Stat. 42d, Geo. 3d. Cap. 13, Sec. 1, 2: No. 8.

Commissioners of the Market may let stalls at auction in the country market to the town butchers. No butcher to have more than one; there are three stalls to be reserved for countrymen; butchers in the country market made subject to the same regulations as in the town market. A keeper to be appointed. Duration of this Act limited.

TITLE 63.

Marriage.

P. 24. Stat. 3d, Geo. 2d. Cap. 17, Sec. 1, 2, 3: No. 1.

Persons solemnizing a marriage before publication three Sundays, or holidays, in some congregation within the town or towns where the parties reside, to forfeit, to His Majesty, 50l. unless a licence for such marriage be obtained from the Governor of the Province: a Clergyman refusing to make publication, or to marry parties after publication, or licence, to forfeit 50l. and liable to an action at the suit of either of the parties grieved.

Sec. 4, 5: No. 2.

Polygamy declared to be felony, unless former marriage declared void, or sentence of divorce had before Governor and Council. Attainder not to work corruption of blood, loss of dower, or inheritance.

Sec. 6, 7: No. 3.

Governor and Council to take cognizance of all matters respecting prohibited marriages and divorces. Marriage to be void for cause of impotence, or kindred within the degrees prohibited by the 32d of Henry VIII. Divorce to be for those causes, and for adultery and desertion.

Sec. 8, 9: No. 4.

Incest punished with pillory for one hour, and fine of 50l. or six months imprisonment; Adultery punished with fine of 50l. or six months imprisonment, and party, nevertheless, to be subject to an action of damages.

P. 67. Stat. 1st. Geo. 3d. Cap. 4, Sec. 1, 2: No. 5.

Proprietor's Clerk in each township, where no parish shall be established to register marriages, births and deaths: his fee 1xpence, and five shillings penalty on those who refuse to give notice to such Clerk, or to pay his fee, to be recovered before one Justice. Such registry to be evidence in a Court of Record.

P. 69. Stat. 1st, Geo. 3d. Cap. 7, Sec. 1, 2: No. 6.

Marriage to be null and void for no other cause save impotence, precontract, kindred within the degrees prohibited, adultery and cruelty.

P. 226. Stat. 22d, Geo. 3d. Cap. 3, Sec. 1: No. 7.

Town Clerks to register marriages, &c. instead of Proprietors Clerks under the penalty mentioned in former Act: fee one shilling for each registry.

Sec. 2: No. 8.

Town Clerks to take a copy of the registry kept by the Ministers, to which future marriages, deaths, &c. in each township, is to be added.

P. 316. Stat. 33d, Geo. 3d. Cap. 5, Sec. 1, 2, 3: No. 9.

Marriages hetofore solemnized in the preference of one or more witnesses before Magistrates or Lay Persons, if the parties have cohabited, are made valid, and the issue of such Marriages declared legitimate, and the persons celebrating the same indemnified against any penalty.

P. 348. Stat. 35th, Geo. 3d. Cap. 2, Sec. 1, 2, 3, 4: No. 10.

In the Townſhip or Diſtrict where no regular licenced Clergyman reſides, the Governor may appoint proper perſons to ſolemnize marriage: and ſuch marriages are declared valid; the perſons ſo appointed ſhall, under penalty of 10l. file a certificate of each marriage, within thirty days, with the Clerk of the Peace, who ſhall record the ſame under a penalty of 5l. Penalties to be recovered in a Court of Record: half to go to the poor, and half to the informer. Such record to be received as legal evidence.

TITLE 64.

Militia.

P. 351. Stat. 35th, Geo. 3d. Cap. 6, Sec. 1, 2: No. 1.

Every perſon, between ſixteen and ſixty, ſhall be enrolled in the militia, or an independant company; the names of all are to be entered in a book; the militia is to be formed into regiments by counties, and may be divided into battalions not leſs than 300 men; each independant company not to exceed 50 men; and artillery companies (Halifax excepted) not to exceed 32 men; no more than one independant company allowed to each regiment: companies to be formed by Diſtricts, except the grenadier and light infantry: each company not to be leſs than 30 men, or more than 60, to have three officers. Officers to be in the proportion of one to twenty men: Field-Officers to regulate the numbers, and independant companies may be formed by the Governor into a battalion.

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Sec. 3, 4, 5, 6: No. 2.

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The men to provide their own arms, and ammunition, under a penalty of three ſhillings and ſixpence for each neglect. Parents to pay the fine of Children, and maſters of ſervants. Militia and independant companies to be aſſembled ſix times in a year, to exerciſe: the Commanding Officers to regulate the mode, and are ſubject to a penalty for neglect; men refuſing to attend, and do their duty, ſubject to a penalty not to exceed 10s. Certain perſons are exempt from training, and watching, and warding, but are obliged to provide arms. Perſons miſbehaving may be impriſoned not exceeding three days.

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Sec. 7, 8, 9, 10, 11, 12: No. 3.

Every battalion to have an Adjutant, whoſe duty is deſcribed by the Act: his pay not to exceed 15l. per annum. Officers commanding companies to appoint and remove non-commiſſioned officers. Clerks of Companies to take an oath of office, and their duty is deſcribed in the Act. Drummers and Fifers may be enrolled in companies though not within the diſtrict. Commanding Officers to make returns, to the Adjutant-General, twice in a year: and made liable to be tried by a Court-Martial for falſe returns. Inſpection of arms to be made twice in the year.

Sec. 13, 14, 15: No. 4.

Any perſon diſturbing or inſulting militia, while at exerciſe, ſhall forfeit 10s. and perſons claiming exemption from duty, on account of ſickneſs, ſhall undergo an examination by a Surgeon. Commanding Officer to call a meeting of the commanding Officers of Companies every year, in March, at which meeting the diſtricts are to be regulated, and the number of men ſettled for each company; general regulations are alſo to be made for the dreſs and diſcipline of the regiment, but not to be carried into effect until approved by the Commander in Chief, except as to the extent of diſtricts, and number of men in the companies; and the application of all fines are to be accounted for in the Secretary's office.

Sec. 16, 17, 18, 19, 20, 21, 22: No. 5.

Officers not obliged to do any duty under the rank of their commiſſion, except ſuch as have reſigned. Militia to march to all parts of the Province, on an attack, if ordered by the Governor: where occaſion ſhall require it the commanding officer may order the militia on ſervice without waiting for the Commander in Chief's orders, but muſt inform him by expreſs of the occaſion. Commanding Officer may preſs men, horſes, &c. if the occaſion require it: the expence to be paid. Regular Roſters to be kept to regulate the men next for duty, and the militia, called on ſervice, are

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to

to be regulated thereby: and the men are to be obedient to their commanding officers; and, for misbehaviour, officers and men may be tried by a Court-Martial; during actual service the Governor may order a General Court-Martial; the crimes of Mutiny or Desertion may be punished with death, all other offences by fine and imprisonment; members of Courts Martial shall be sworn; twelve members must agree to a sentence of death; Judge Advocate to be appointed and sworn.

Sec. 23, 24, 25: No. 6.

When the Militia is called on service volunteers shall be excepted, each volunteer may exempt another person from serving, the remainder of the number wanted are to be balloted for: the mode of balloting is regulated, and a fine imposed on those who refuse to serve, or find a substitute; persons who have served are exempted from being drafted, until all the rest have served. Quakers are exempted from serving, but must pay for a substitute, and, in lieu of training days, must work four additional days on the highways.

Sec. 26, 27: No. 7.

Militia, when called on service, other than mounting the ordinary guards in the town and county, shall be paid—the Officers the same as those in the regular service, Serjeants 2s. 2d. per day, Corporals, Drummers and Fifers, 1s. 6d. per day, Privates 1s. 3d. with rations, which are to be paid for, as by the regular soldiers. Sessions, and Grand Jury, when occasion may require, to raise money on the county, to arm boats for its defence, and the commanding officer may order the militia to serve in such boats, but not to go more than three leagues from the shore.

Sec. 28, 29, 30: No. 8.

The Muster Roll of independant companies to be delivered, three times in the year, to the commanding officers in the Counties; and, in the absence of the Governor, such companies are to be under the command of the County Officers. Men, when disabled in service, are to be supported by the Province.

Sec. 31: No. 9.

Arms issued from His Majesty's stores, to the Militia, shall be marked; and officers commanding companies are made responsible for them, and may take them into their care, unless the persons to whom issued will give security for the same; which security, if he removes, shall be assigned to the officer into whose District he goes. Persons who shall dispose of such arms, and he who receives the same knowingly, are subject to a fine of 10l. Fines to be applied to replace arms.

Sec. 32, 33, 34, 35, 36, 37: No. 10.

The Governor, in time of war, to order signal posts to be established, and persons making a false alarm to pay a fine of 50l. Militia, on their march, are to be billeted by the Justices: sixpence allowed for a meal for each person, and one penny for a night's lodging, to be paid out of the Treasury; Officer commanding to grant certificates for the number of meals and lodgings, and made liable to punishment for granting a false certificate. Fines, not exceeding three pounds, to be recovered before a Justice, without fee; other fines in a Court of Record: and fines, not otherwise disposed of, to be applied to the use of the regiment. This Act to be read at the head of every company once a year, under penalty of 5l. Former Militia Acts repealed, and this Act to continue one year.

P. 380. Stat. 36th, Geo. 3d. Cap. 10, Sec. 1, 2, 3: No. 11.

A Militia man, who is ordered on a working party, shall forfeit a sum not exceeding 10s. if he refuse or neglect to obey his officer's lawful commands. Militia to be called out only four times in the year. Act to continue for one year.

P. 387. Stat. 37th, Geo. 3d. Cap. 6, Sec. 1, 2, 3: No. 12.

When the militia shall be called into service the Commanding Officers of Militia at Halifax shall apportion the number of draughts to be furnished by the labourers in the Engineer's Department and Naval Yard, and procure substitutes in their stead, and the expence to be assessed in proportion to their pay, and, on refusal, the same shall be levied by distress, or imprisonment; parties may find their own substitutes. Act limited to a year.

P. 432. Stat. 40th, Geo 3d. Cap. 18, Sec. 1, 2, 3: No. 13.

Soldiers, on a march, shall be billeted and provided for the same as the Militia are: a soldier's dinner to be charged nine-pence, and breakfast and supper one third less; when a rout shall be granted for soldiers to march, the Province to pay for a soldier's dinner, provided the whole expence do not exceed, in one year, 500l.

Sec. 4, 5: No. 14.

Two Justices to provide, for soldiers on their march, horses, carts and waggons, a single horse cart, and driver to be paid one shilling per mile, and not to carry more than 500 weight, and nine-pence per mile to be paid for every additional horse, the additional weight for each horse not to exceed 500 weight; for every hour's detention 2s. 6d. Officers to grant certificates for services performed. Persons refusing, when ordered, to furnish carriages and horses subject to a fine of 40s. Officer over loading or abusing horses, carts or drivers, taking them of his own authority, or compelling them to travel more than 20 miles in one day, to forfeit 40s. besides being liable for all damage. Horses or carriages, proceeding on a journey; not liable to be taken.

Sec. 6, 7, 8: No. 15.

All fines and forfeitures, under this Act, to go to the Militia; Commanding Officers, when they make a return, pursuant to law, to the Adjutant-General, to send an account of the expenditure of fines and forfeitures, under penalty of 20l. This Act made applicable to the militia service, as well as the regular army.

P. 479. Stat. 44th, Geo. 3d. Cap. 4, Sec. 1, 2: No. 16.

The Governor to regulate the number of men to be in Artillery Companies. Persons who enter the Grenadier or Light-Infantry Companies, are obliged to serve therein for three years, unless they remove out of the County.

Sec.

Sec. 3, 4 : No. 17.

Where there are not a ſufficient number of taverns, ſoldiers or militia may be billeted on other houſe keepers, and all the Militia Laws are continued to 31ſt December, 1805.

TITLE 65.

Mile Stones.

P. 278. Stat. 30th, Geo. 3d. Cap. 3, Sec. 1 : No. 1.

Perſons deſtroying, or injuring a mile ſtone, or poſt, on the public roads, on conviction before two Juſtices, to pay 40s. and if unable to pay to be whipped, not to exceed thirty laſhes.

TITLE 66.

Navigation Security.

P. 241. Stat. 25th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 1.

Perſons, by any means, deſtroying buoys, beacons, or ſea marks, placed, by order of the Governor, in any part of the Province, ſhall, on conviction before two Juſtices, forfeit 100l. and on failure of payment to be impriſoned twelve months; perſons making faſt thereto ſhall be, in like manner, fined 20l. or impriſoned ſix months.

P. 315. Stat. 33d. Geo. 3d. Cap. 3, Sec. 1 : No. 2.

No ballaſt to be thrown from any veſſel below high water mark, into, or at, the entrance of any port, harbour, river or creek, and the perſon, ſo doing, ſhall be obliged to remove the ſame, or pay 25l. to be recovered before two Juſtices: half to the informer, and half to the poor; and appeal is given to the Inferior Court.

P. 446. Stat. 41ſt, Geo. 3d. Cap. 14, Sec. 1, 2, 3, 4 : No. 3.

Goods ſhipwrecked on the coaſts of this Province, or of the Iſle of Sable, or found floating ſo near the coaſt as to be within ſoundings, ſhall be preſerved for the right owners. Sheriffs, Coroners, Officers of the Cuſtoms, or of the Impoſt or Exciſe, or Juſtices of the Peace, to have notice given them of the ſhipwreck, and ſhall take meaſures to preſerve the property; perſons plundering, or taking away, ſhipwrecked goods, or injuring perſons endeavouring to ſave themſelves from the wreck, or who ſhall put out falſe lights, ſhall ſuffer death; but if the goods be under the value of 40s. the perſon convicted ſhall ſuffer as for petit larceny. Juſtices to iſſue Search Warrants, and commit offenders. The ſaid officers may command perſons to aſſiſt, and a Juſtice may commit perſons who refuſe to aſſiſt, or diſobey orders; and, if convicted at the Seſſions, ſuch perſons may be fined, not exceeding 50l. or be committed for ſix months; perſons aſſiſting ſhall within thirty days, be paid a reaſonable reward, and the officers may retain the property until the charges ſhall be paid; no reward to be paid but to thoſe who the officers certify performed their duty. If there be any diſpute about the quantum, the ſame ſhall be ſettled by a reference to three Juſtices of the Peace, and the ſum ſo adjuſted may be recovered by action at law. If no perſon ſhall appear to claim goods, or they be periſhing, the officer may ſell ſo much as will pay the charges, or the whole, if in a periſhing ſtate;

ſtate; the reſidue of the goods, or net proceeds, ſhall be lodged with the principal officer of the Cuſtoms, or with ſome reſponſible perſon; and if no perſon ſhall claim within twelve months, the proceeds ſhall be lodged in the Treaſury, to be paid out on proof of owneriſhip before the Chief Juſtice, or Judge of the Supreme Court.

Sec. 5, 6, 7: No. 4.

No perſons to interfere with goods, if found in the cuſtody of another, unleſs he deſire his aſſiſtance; the maſter, or other perſon, having charge of the ſhipwrecked veſſel, or the officers who come to their aſſiſtance, may repel, with force, any perſon attempting to interfere, and the perſon found guilty of ſuch unlawful interference, ſhall be puniſhed for a miſdemeanor. Perſons ſued for any thing done in execution of this Act, may give the Act and any ſpecial matter in evidence. Proceedings may be removed, by Certiorari, from Inferior Juriſdictions to the Supreme Court; the Court may affirm, or otherwiſe, without reverſing the proceedings, may amend or correct the ſame, and give ſuch judgment as the juſtice of the caſe ſhall require; a perſon doing any wilful act, whereby to produce the loſe of the ſhip or veſſel, whether in diſtreſs or not, ſhall ſuffer death.

Sec. 8, 9, 10, 11: No. 5.

Governor to appoint a perſon to inſpect the Iſle of Sable, who ſhall have power to bring off from the Iſland any unlicenced perſon or perſons found there, together with all goods found in their poſſeſſion; Juſtices may order ſuch perſons to be impriſoned, not exceeding ſix months; the goods found may be ſold to pay the charges of removing ſuch perſon, and the ſurplus, if any, ſhall be paid into the Treaſury for the right owners. Clerk of the Peace, under a penalty of 20s. ſhall read this Act at the opening of every Seſſions. The duration of the Act limited for three years, and until His Majeſty's pleaſure ſhall be known.

TITLE 67.

Papiſts.

P. 235. Stat. 23d, Geo. 3d. Cap. 9, Sec. 1, 2, 3: No. 1.

Such parts of the Acts of the 32d Geo. 2d. Caps. 2, and 5, as diſable Papiſts from holding lands, and ſubjects Popiſh Prieſts, or perſons entertaining them, to certain penalties, are repealed.

Sec. 4, 5: No. 2.

Any pending action not to be effected by ſuch repeal; and, provided that all Papiſts claiming title to lands ſhall, within ſix months after the title ſhall accrue, take the oath directed in this Section; minors, infane perſons, perſons impriſoned, or beyond ſeas, to take the oath within ſix months after diſability removed.

Sec. 6, 7: No. 3.

Courts of Record in the Province to adminiſter the oath, and to keep a regiſter of the ſame. Act not to be in force until His Majeſty's pleaſure be known. *His Majeſty's aſſent was given to this Act.*

P. 245. Stat. 26th, Geo. 3d. Cap. 1, 2d Seſs. Sec. 1, 2, 3, 4: No. 4.

Stat. 6th, Geo. 3d. Cap. 7. repealed, provided Papiſts, keeping School, take the oath appointed by law, and are licenſed by the Governor. Popiſh ſchoolmaſters not to take Proteſtant children under the age of fourteen years. Act aſſented to by His Majeſty.

Partridges.

P. 333. Stat. 34th, Geo. 3d. Cap. 4, Sec. 1, 2, 3: No. 1.

No perſon to kill a partridge between 1ſt March and 1ſt September; or a blue winged duck, between the 1ſt April and 1ſt Auguſt; and every perſon who ſhall ſo kill, ſell, expoſe, buy, or have in poſſeſſion, a partridge, or duck, ſhall forfeit, for each, ten ſhillings, to be recovered before a Juſtice; not to extend to an Indian, or poor ſettler, killing the ſame for their own uſe.

P. 11

TITLE 69.

Penalties.

P. 144. Stat. 8th, Geo. 3d. Cap. 10, Sec. 1: No. 1.

In all actions for the penalties of bonds, contracts, or agreements, the Court, on due proof, ſhall direct a verdict for the juſt ſum due on the condition, with damages and coſts for the non-performance; and, on payment thereof, to cauſe ſatisfaction to be entered on the judgment.

Sec. 2, 3: No. 2.

Defendant, if he has paid the money, may plead it in bar to an action of debt, on a ſingle bill, or to a *ſcire facias* on a judgment; and if the action be on a bond, with a condition to make the ſame void on paying a leſs ſum, if defendant has paid principal and intereſt before action brought, he may plead it in bar, and the ſame ſhall be as good as if paid on the day, and if pending the ſuit, principal, intereſt, and coſt, be tendered in Court, defendant ſhall be diſcharged.

P. 98.

P. 99.

TITLE 70.

Perſons leaving Province.

P. 10

P. 32. Stat. 32d. Geo. 2d. Cap 23, Sec. 1: No. 1.

Perſons about to leave the Province muſt obtain a paſs, and, before the ſame be granted, they muſt publiſh their names at the Secretary's office for ſeven days before, at which time, if not underwrote, the Secretary is bound to grant the paſs, under a penalty of 50l. to be recovered by the injured party in a Court of Record. Secretary's fee for ſuch paſs, one ſhilling.

Sec. 2: No. 2.

Directs the form of the paſs.

Sec. 3, 4, 5, 6: No. 3.

Whoſoever ſhall object to the granting of a paſs, by writing his name at the Secretary's office, under that of the party applying for the paſs, ſhall verify the debt, and the cauſe thereof, by affidavit, before a Juſtice, which affidavit

affidavit is to be delivered to the Secretary, who shall take good security from the person underwrote to the amount of the debt or debts verified against him according to the form of the bond prescribed, and shall be allowed 2s. 6d. for such bond; persons underwriting another to enter their suit at the next Inferior Court, or otherwise to be barred from their action; on giving security the pass to be granted to the party applying for it, and the bond to be delivered to the party underwriting the other, who may recover thereon his debt and cost. Persons wanting a pass before the seven days expire, may have it, on giving a general security to pay all debts contracted by them in the Province.

Sec. 7 : No. 4.

Passes, in the out-ports, to be had from the Commanding-Officer, or such person as the Governor shall appoint.

Sec. 8 : No. 5.

Military persons may depart with a special permission, under the hand of the Commander in Chief.

Sec. 9 : No. 6.

Persons objecting to the granting a pass, without cause, made liable to an action of damages.

Sec. 10 : No. 7.

Master of vessel made liable to pay all damages, and 50l. fine, if he carries a person from the port of Halifax, without a pass, (except the crew brought with him), or if he leaves the harbour without a pass from the Governor.

P. 119. Stat. 6th, Geo. 3d. Cap. 4, Sec. 1 : No. 8.

The Act of 32d Geo. 2d. Cap. 23, extended throughout the Province.

TITLE 71.

Pleading.

P. 98. Stat. 4th, Geo. 3d. Cap. 1, Sec. 1 : No. 1.

No judgment to be reversed for any error, mistake, erasure, or interlineation, in any record, process, warrant of Attorney, original writ, panel or return, but the Judges, in affirmance of judgment, may amend the same, and all misprision of Clerks, in their discretion, and the substance of names and additions left out, except appeals, indictments of treasons, felonies and outlawries, for the same.

Sec. 2, 3 : No. 2.

In all civil actions, a variance from the original record may and shall be amended, and, after verdict, no judgment shall be stayed for defect either in form or substance in the pleadings, but nothing in this Act is to extend to criminal prosecutions of any kind.

P. 99. Stat. 4th, Geo. 3d. Cap. 2, Sec. 1, 2, 3 : No. 3.

Death of parties between interlocutory and final judgment not to abate suit, but the action may be maintained by, or against, the executor or administrator of the party dying; and if there be two plaintiffs, or two defendants, and one die, the action shall proceed for, or against, the survivor, the death being suggested on the record; death of either party, between verdict and judgment, shall not be error, if judgment be entered in two terms after verdict.

Sec 4 : No. 4.

Executor, or Administrator, *de bonis non.* may have *scire facias*, and execution on judgment, after verdict, in the name of executor or administrator.

Sec. 5 : No. 5.

No proceedings in any Court shall be discontinued by reason of any new commission.

P. 101. Stat. 4th and 5th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 6.

After verdict, judgment shall be given, notwithstanding any insufficient or misspleading, want of colour, jeofail, discontinuance or miscontinuance, misjoining of issues, want of warrant of attorney, or any other default of parties, their counsellors or attornies. Attornies, under penalty of five pounds, to file their warrants, nor shall judgment be stayed or reversed, after verdict, for any want of form in the pleadings, or returns.

Sec. 3, 4 : No. 7.

After verdict, judgment shall not be stayed or reversed for want of an averment of any life, or lives, if the person is proved to be alive, or for awarding the *venire* to a wrong person upon an insufficient suggestion, or because the *visne* is misawarded in some part, if one place be right named, or for mistake in returning the juror's name, if it appear the right person was served, or for want of return, if the panel be annexed to the writ, or for want of the officer's name to return, if it be proved that the writ was returned by the proper officer, or for that the plaintiff in *ejectione firmæ*, or in personal action was a minor, if verdict be for him, or for want of pledges, or profert of deed, or letters of administration, or omission of force &c. or for mistaking the

christian name, or sir-name, of parties, or the sum of money, day, month, or year, so that the same be right in any part, nor for want of verifying by record, nor for want of right venue, if the cause was properly tried, nor for want of entering the increase of cost, or cost to be given at the request or consent of party, and all such omissions, or matter of a like nature, not being against the right of the suit, or to alter the trial; such mistakes may be amended in the Court where the judgment was given.

Sec 5 : No. 8.

Upon demurrer, if sufficient matter appear upon which to give judgment, the same shall be given by the Judges, according to the right of the cause, as it shall to them appear, without regarding any of the before recited omissions or mistakes, though it be matter of substance, except the party demurring shall specially set forth the same.

Sec. 6 : No. 9.

Judgment on confession, *nihil dicit*, or *non sum informatus*, or on writ of enquiry executed, shall not be stayed, or reversed, for any of the foregoing causes.

Sec. 7, 8 : No. 10.

This Act shall extend to all civil actions at the suit of the King, but not to any criminal suit whatsoever, or action upon a penal statute.

Sec. 9 : No. 11.

No dilatory plea to be received, unless verified by affidavit, or the Court otherwise satisfied of the truth of such plea.

TITLE 72.

Poor.

P. 94. Stat. 3d and 4th, Geo. 3d. Cap. 7, Sec. 1, 2, 3, 4 : No. 1.

Freeholders, in townships of fifty families, to meet annually the first Monday of January, the Constables having given ten days previous notice, and then to choose twelve inhabitants to assess on the real and personal estate of the Inhabitants the sum then voted for support of the poor; and the freeholders are to vote annually at such meeting the money necessary to support the poor, also persons are to be appointed to collect the assessment: the rate to be levied by distress on persons refusing; on complaint to a Justice; persons over-rated to appeal to Sessions, whose order shall be final.

Sec. 5, 6, 7 : No. 2.

Collectors to account with, and pay to, Overseers of the Poor, every three months, the money collected. Overseers to prosecute such as refuse in a Court of Record, and to dispose of the money for the use of poor only, and to account with and pay the balance in their hands to their successors. Any person chosen, refusing to serve as Assessors, or Collectors, forfeit forty shillings.

P. 126. Stat. 7th, Geo. 3d. Cap. 3, Sec. 1 : No. 3.

A Township having a less number than fifty Freeholders, may vote money for poor.

P. 139. Stat. 8th, Geo. 3d, Cap. 5, Sec. 1, 2 : No. 4.

Annual meeting of Freeholders to be, in future, on the last Tuesday of October. Meeting may be adjourned to the next day, if the first day be insufficient.

Sec. 3, 4, 5 : No. 5.

If assessors refuse to serve, Freeholders may nominate others in their stead; Collector neglecting his duty to forfeit 5l. for each neglect, to be recovered in a Court of Record, for the use of the poor. Former assessments made for support of the Poor confirmed.

Stat.

P. 146. Stat. 8th and 9th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 6.

Annual meeting of Freeholders to be the laſt Tueſday of November. Overſeers ſhall iſſue precepts to Conſtables to notify inhabitants to meet, and for neglect to iſſue ſuch precept, ſhall forfeit 10l.

Sec. 3 : No. 7

Forfeitures by Aſſeſſors, or Collectors, for neglect, made recoverable before two Juſtices by diſtreſs.

P. 151. Stat. 8th and 9th, Geo. 3d. Cap. 7, Sec. 2, 3 : No. 8.

Overſeers of the Poor refuſing to ſerve, to forfeit 5l. for the uſe of the poor.

P. 157. Stat. 10th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 9.

The Townſhip is bound to relieve natives of it, perſons who ſerved an apprenticeſhip, or as a hired ſervant therein for a whole year next before he wants relief, or who ſhall have ſerved a public annual office therein, or paid one year's poor rate.

Sec. 3 : No. 10.

Perſons ſeeking relief, who have not a legal ſettlement in the Town, ſhall declare, on oath, before a Juſtice, where his laſt abode was ; and, if he has obtained a ſettlement in the Province, the copy of his declaration, certified by the Juſtice, with an account of the expence, ſhall be ſent to the Overſeers at the place of his ſettlement, which, if they refuſe to pay, two Juſtices, by warrant, are to order pauper to be removed to the place of his proper ſettlement, the Overſeers of which are bound to receive him, and pay the expence ; and if they have no money, they ſhall be charged therewith until the next aſſeſſment.

Sec. 4 : No. 11.

Two Juſtices, on complaint of Overſeers, to bind out beggars, or ſtrollers, for a term not exceeding a year.

Sec. 5 : No. 12.

The fathers, grand-fathers, mothers, grand-mothers, children, or grand-children, of paupers, if they are able, ſhall maintain them agreeably to the order of Seſſions, or ſhall forfeit, to the uſe of the poor, 5s. per week.

Sec. 6, 7 : No. 13.

Two Juſtices, on complaint, to order Overſeers to ſeize the goods, and let out the lands, of perſons who abſcond, leaving a wife or children chargeable on the town : and, when ſuch proceedings are confirmed by the Seſſions, Overſeers may receive the rents, and ſell the goods, and apply proceeds to the ſupport of the perſons left chargeable. Children of parents who have gained a ſettlement and die, ſhall be maintained by the town.

Sec. 8 : No. 14.

Perſons grieved by any proceedings under this Act, may appeal to Seſſions, the order of which to be final.

P. 159. Stat. ſame Seſſion, Cap. 2, Sec. 1, 2 : No. 15.

Inhabitants to meet, twice each year, to vote money for poor, on the firſt Mondays of April and November ; and, if the buſineſs require it, the chairman, with the conſent of the majority, may adjourn meeting ; deficiency of the vote for the paſt year to be voted at the next meeting.

Sec. 3, 4 : No. 16

Overſeers to account on oath at the next Seſſions after the expiration of their office. Future aſſeſſments ſhall be made by five Freeholders, inſtead of twelve, Halifax excepted.

Sec. 5 : No. 17.

If Freeholders neglect to provide for the Poor, the Seſſions for the County ſhall amerce the Townſhip, and appoint aſſeſſors to levy the money, who, if they refuſe to ſerve, ſhall forfeit forty ſhillings, and others be appointed in their room.

Sec. 6, 7 : No. 18.

All fines levied on Conſtables for neglecting to warn the Freeholders to meet, ſhall be paid into the County Treaſury, for the uſe of the Poor. Overſeers ſhall keep an account of their proceedings in a book, which ſhall be delivered to their ſucceſſors.

P. 174. Stat. 12th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 19.

Five aſſeſſors, inſtead of twelve, to be choſen by the inhabitants of each Town, three of whom ſhall be a quorum ; each aſſeſſor who ſhall omit to meet, and make his aſſeſſment within twenty days, ſhall forfeit 5l. to the poor.

Sec. 3 : No. 20.

No perſon to be rated who, in the opinion of the aſſeſſors, ſhall be unable to pay one ſhilling.

Sec. 4, 5, 6 : No. 21.

Authorizes, for that year, an extra meeting at Halifax, to vote money for the poor, thoſe who have voluntarily contributed ſhall be allowed for the ſame, and confirms former aſſeſſments.

P. 201. Stat. 16th, Geo. 3d, Cap. 1, Sec. 1, 2 : No. 22.

Where inhabitants neglect to make proviſion for the poor, the Juſtices in Special Seſſions may amerce the Townſhips, and appoint five Freeholders to make aſſeſſment, which, when made by three of them, it ſhall be poſted up three days before the end of the Seſſions. Aſſeſſors or Collectors neglecting their duty to be fined 5l. by two Juſtices, on complaint of the Overſeers, and others to be appointed in their ſtead.

Stat.

P. 205. St at. 17th, Geo. 3d. Cap. 5, Sec. 1 : No. 23.

Overſeers of the Poor to forfeit 5l. if they neglect, within one month after the expiration of their office, to render their accounts to the Clerk of the Peace, penalty to be recovered before two Juſtices, on complaint of one or more of the inhabitants.

P. 405. Stat. 39th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 24.

Juſtices in Seſſions at Halifax, may make bargains, and agree, with a keeper and ſurgeon for the poor-houſe, and make regulations for governing the ſame, and appoint three Juſtices who ſhall on notice to the Overſeers, viſit the ſame once every week ; Overſeers to attend, and lay before ſuch Juſtices a liſt of apparel, bedding, and other articles wanted each month, and ſo much as the Juſtices approve of, to be provided.

Sec. 3, 4, 5, 6 : No. 25.

The Seſſions, of every County in the Province, to examine, and allow or reject, the accounts of the Overſeers of the Poor. Overſeers of the Poor, at Halifax, to deliver to their ſucceſſors an exact account of every article belonging to the houſe, and to give a duplicate thereof to the Seſſions. Overſeers of the Poor who refuſe to comply with this Act to forfeit 20l. to be recovered before two Juſtices ; when Poor-houſes ſhall be provided in other parts of the Province, to be regulated as at Halifax.

P. 440. Stat. 41ſt, Geo. 3d. Cap. 6, Sec. 1, 2, 3, 4, 5, 6, 7, 8 : No. 26.

Twelve perſons, named Commiſſioners of the Poor, and veſted with all the power of the Overſeers ; vacancies to be filled by the Governor, on the recommendation of the Commiſſioners. Commiſſioners to act in rotation monthly ; the acting Commiſſioner to have the immediate ſuperintendance and government of the houſe ; the earnings of the paupers to be accounted for, ſo that each pauper may have the benefit of his earnings after deducting the expence of his maintenance. No Commiſſioner to be keeper, or to have any ſhare in the earnings of the paupers. An account to be kept of the expence of victualling paupers, to be kept and regulated by the acting Commiſſioner. No ſpirits to be ſold or uſed in the houſe. The mode of victualling, clothing, and employing paupers, directed. Power is given Commiſſioners to bind out poor children.

Sec. 9, 10, 11, 12 : No. 27.

Commiſſioners to appoint a keeper, and fix his ſalary ; regulate all purchaſes ; remove all diſorderly perſons from the houſe ; receive and apply all donations ; to render their accounts every 1ſt January to the Treaſurer of the Province, to be by him laid before the Supreme Court. Commiſſioners to receive and employ all vagrants, giving them no more victuals than they earn. Act to take effect 1ſt January 1802.

P. 457. Stat. 42d, Geo. 3d. Cap. 3, Sec. 1 : No. 28.

Grand Jury, for the County of Halifax, at a General or Special Seſſions, may raiſe money to repair, or add to, the Poor-houſe ; Commiſſioners of the Poor to have the expenditure thereof.

P. 469. Stat. 43d, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 29.

Commiſſioners of the Poor, at Halifax, authoriſed to grant relief within their diſtrict to the poor of other ſettlements, giving reaſonable notice thereof to the proper Overſeers of ſuch poor perſons, who are bound to remove them, and pay the expence. Commiſſioners, or Overſeers, throughout the Province may, as creditors, recover the expences of a pauper from any property he may be poſſeſſed of.

Sec. 3 : No. 30.

Commiſſioners, at Halifax, authoriſed to purchaſe a certain quantity of land, for the uſe of the Poor Houſe.

Sec. 4 : No. 31.

Commiſſioners at Halifax, or the major part aſſenting, may bind out poor children without applying to two Magiſtrates : the Chairman of the Commiſſioners may execute the indenture, when the aſſent of the major part of the Commiſſioners is entered in their minute book.

Pounds.

P. 215. Stat. 19th, Geo. 3d. Cap. 5, Sec. 1 : No. 1.

The accounts of expences for building pounds, before payment, to be approved by two Juſtices, and the monies levied on the townſhip as for the poor. This Act repealed by a ſubſequent Act.

P. 424. Stat. 40th, Geo. 3d. Sec. 1, 2 : No. 2.

Grand Juries, at Seſſions, to regulate the number of pounds, and to appoint a Commiſſioner to contract for each pound, when the Juſtices, at the next Seſſions, approve of the ſcite, and propoſals; Commiſſioner to hold his office until the work be completed; the expence of building, and repairing, to be raiſed by preſentment on the inhabitants of the Townſhip or diviſion in which the pounds are to be built; and, on neglect of the Grand Jury to provide for the expence, the Seſſions may amerce the town or diviſion.

Sec. 3, 4 : No. 3

When the damage done by treſpaſſing cattle does not exceed 3l. it may be recovered before a Juſtice, if the title to lands do not come into queſtion; and the penalty for horſes treſpaſſing on the peninſula of Halifax, extended throughout the Province.

Sec. 5 : No. 4.

Repeals the 19th Geo. 3d, reſpecting pounds.

TITLE 74.

Publication of Laws.

P. 165. Stat. 11th, Geo. 3d. Cap. 2, Sec. 1 : No. 1.

Notice of a Law having paſſed being publiſhed in a newſpaper, or affixed at the Church door, at Halifax, inſerting therein the title of the law, is a ſufficient publication.

TITLE 75.

Public Buildings.

P. 383. Stat. 37th, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9 : No. 1.

Commiſſioners named in the Act to determine the ſituation, purchaſe ground and materials, and erect thereon a ſtone or brick building, for the holding of the ſeveral Courts of Juſtice at their reſpective ſittings, and for the public offices. Alſo, to procure plans for a new Government-Houſe. Governor to approve of all Contracts, and to draw 3000l. from the Treaſury, at the requeſt of ſuch Commiſſioners.

If neceſſary to purchaſe ground, a Special Court to be held, and a Jury to be ſworn to value the ſame, and when the verdict of ſuch Jury is recorded, and the money paid, the lands to be veſted in His Majeſty. Jurors neglecting to attend made liable to a fine of 5l. and the Act paſſed in the 28th year of His preſent Majeſty's Reign, reſpecting public buildings, repealed.

P. 408. Stat. 39th, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 2.

A houſe, for the reſidence of the Governor, to be built, inſtead of the building for the Court of Juſtice, ſuch houſe to be called the Government-Houſe of Nova-Scotia. Governor to appoint other Commiſſioners to carry on ſuch building, and to appoint others in their ſtead when occaſion ſhall require. Commiſſioners may uſe the materials provided for the other building.

Sec. 4, 5 : No. 3.

Commiſſioners may, with the Governor's approbation, purchaſe ground, not to exceed in value 1,500l. the whole expence of the building, in all reſpects finiſhed, not to exceed a further ſum of 5,400l. the old Government-Houſe, and ground thereto belonging, ſhall be uſed for the Courts, General Aſſembly, and Public Offices.

P. 421. Stat. 40th Geo. 3d. Cap. 4, Sec. 1, 2, 3: No. 4.

Truſtees appointed to hire Meſſrs. Cochran's building for the term of three years certain, from 1ſt July next, at 300l. per annum; after three years, government may continue to hold, for any term not exceeding ſeven years more; ſix months notice to be given, before end of the year, of the intention of government to quit. Leſſors to keep the premiſes in repair, or rent to ceaſe.

P. 136

TITLE 76.

Quakers.

P. 48. Stat. 33d, Geo. 2d. 2d Seſs. Cap. 2, Sec. 1, 2, 3, 4, 5: No. 1.

Perſons affirming, that for the year laſt paſt, they were of the profeſſion of the people called Quakers, are allowed, inſtead of an oath, ſolemnly, ſincerely, and truly, to declare, and affirm: the ſame affirmation to be as valid as if ſworn in the uſual form, and made liable, if convicted, to the ſame penalties as perſon guilty of wilful perjury, but not to be admitted to give evidence in criminal caſes. This Act to be deemed a Public Act.

TITLE 77.

Rebellion.

P. 233. Stat. 23d, Geo. 3d. Cap. 3, Sec. 1, 2: No. 1.

All perſons, inhabitants of this Province, who have taken part in the Rebellion of the Thirteen American Colonies, are freely pardoned; and all proſecutions touching the ſame are to be at an end.

TITLE 78.

Records.

P. 7.

P. 222. Stat. 21ſt, Geo. 3d, Cap. 2, Sec. 1: No. 1.

Copy of any Proceedings of His Majeſty's Council, reſpecting title to lands, ſigned by Clerk of Council, to be received as evidence in any Court. Clerk to receive one ſhilling for a ſearch, and ſix and eight pence for every atteſted copy, if under one hundred words and, if more, one ſhilling for every hundred words.

Rent.

P. 136. Stat. 8th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 1.

If a perſon whoſe goods are diſtrained for rent, do not, within five days after notice, replevy the ſame, and give ſecurity, the perſon making the ſame with the Sheriff, or Conſtable, (either of whom are bound to aſſiſt) ſhall cauſe the goods taken to be valued by two ſworn appraiſers, and ſold ; after paying the rent and charges the Sheriff, or Conſtable, ſhall hold the overplus, if any, for the owner. Corn and Hay, if cut, and Grain, may be diſtrained for rent, but the ſame muſt remain impounded on the premiſes, until ſold or replevyed.

Sec. 3, 4 : No. 2.

Perſon injured by a pound, breach, or reſcue, may, by action on the caſe, recover treble damages and coſt againſt the offender, or againſt the owner, in caſe any of the goods be afterwards found in his poſſeſſion. The owner of goods wrongfully diſtrained, may recover double the value, and coſts, againſt the perſon ſo diſtraining.

Sec. 5 : No. 3.

No goods to be taken by execution upon any premiſes where there is rent due, until ſuch rent be paid, provided it does not amount to more than one year's rent, on the payment of which rent the officer may execute his writ, and likewiſe levy the money paid for rent.

Sec. 6, 7 : No. 4.

Landlord may, within twenty days, follow and diſtrain, wherever found, goods which leſſee ſhall carry off the premiſes, with intent to prevent the ſame from being diſtrained for arrear of rent, provided ſuch goods were not, before ſeizure, actually ſold for a valuable conſideration.

Sec. 8, 9, 10 : No. 5.

Action of debt may be maintained againſt tenant for life, for rent in arrear, and a landlord may diſtrain for rent in arrear after the determination of the leaſe, if ſuch diſtreſs be made within ſix months after the end of the leaſe, and during the continuance of the landlord's eſtate, and while the tenant in arrear is in poſſeſſion.

Sec. 11, 12 : No. 6.

Landlord may diſtrain tenant's cattle upon any common appurtenant to the demiſed premiſes, and may alſo ſeize corn, graſs, hops, roots, fruits, pulſe, or any other product, and may cut, ſave, and gather in the ſame into any fit place on the premiſes ; and, if no proper place there, may hire one near the premiſes, and may ſell ſuch produce after appraiſement. Tenant, if property is removed off the premiſes, ſhall have notice within ſix days where the ſame is depoſited.

Sec. 13 : No. 7.

Nothing in this Act to interfere with the right of His Majeſty to recover his quit-rents.

TITLE 80.

Religious Worſhip.

P. 7. Stat. 32d, Geo. 2d. Cap. 5, Sec. 1 : No. 1.

The Liturgy of the Church of England, as eſtabliſhed by the laws of England, made the fixed form of worſhip in this Province. No Miniſter to officiate unleſs licenſed by the Biſhop of London and unleſs he ſhall aſſent to the Book of Common Prayer, and ſubſcribe all orders and articles of the Church. The Governor to induct ſuch Miniſter into any Pariſh that ſhall make preſentation of him.

Sec 2 : No. 2.

Liberty of conſcience granted to all Proteſtant Diſſenters, with liberty to build Meeting-Houſes, elect Miniſters, and enter into contracts with ſuch Miniſters which contracts are declared valid ; and ſuch diſſenters are excuſed from any rates or taxes for the ſupport of the Church of England.

Sec. 3, 4, 5, 6, 7 : No 3.

Popiſh Eccleſiaſtics, of every kind, baniſhed from the Province after the 25th March, 1759, and if afterwards found within the ſame, made ſubject to perpetual impriſonment, and in caſe of eſcape, to be puniſhed as for felony without,

without benefit of clergy. Perſons harbouring ſuch Eccleſiaſtics to forfeit 50l. and to be ſet in the pillory; cognizance of offences againſt this Act given to the Supreme Court, or Special Court of Oyer and Terminer; any Juſtice of the Peace to commit offenders againſt this Act, and to bind over witneſſes to appear at trial. Popiſh Eccleſiaſtical Perſons ſent into the Province, as priſoners of war, are exempt from the penalties of this Act, unleſs they exerciſe the functions of a Popiſh Prieſt.

P. 48. Stat. 33d, Geo. 2d. Cap. 3, 2d Seſs. Sec. 1, 2: No. 4.

Pariſh of Saint Paul to comprehend the whole Townſhip of Halifax, while there is but one Pariſh within the ſame; the Churchwardens and Pariſhioners impowered to meet and chooſe twelve Veſtry Men; the officiating Miniſter to be one of the Veſtry; the Churchwardens and Veſtry to have the ſame power as in the Pariſh Churches of England, and to be a body corporate, to ſue and be ſued, and to recover the Pew Rent for the benefit of the Miniſter and repairs of the Church, and generally to receive gifts, and grants of land, or money, for the Church, and to manage the ſame. Pariſhioners to meet, annually, on Michaelmas Day to chooſe Church Wardens and Veſtrymen; thoſe who refuſe to ſerve forfeit 5l. to the uſe of the Church.

Sec. 4, 5, 6, 7: No 5.

Pariſhioners, at their ſaid meeting, to vote money to ſupport the Miniſter and Church, ſuch vote to bind all the Pariſh except thoſe exempt by law, and to be aſſeſſed, according to each perſon's abilities, by the Church Wardens and Veſtry, in two aſſeſſments, payable half yearly; Churchwardens to collect the ſame; one Juſtice to grant Warrant of Diſtreſs againſt ſuch as refuſe to pay after one month's notice. Perſons over-rated may appeal to Seſſions. Churchwardens and Veſtry to meet as occaſion may require, but they muſt meet to make the aſſeſſments, the firſt Monday after Eaſter: no aſſeſſment of theirs to be binding unleſs ſigned by the Churchwardens, and at leaſt ſeven of the Veſtry; and no other Act of theirs to be valid unleſs ſeven, at leaſt, be preſent.

Sec. 8: No. 6.

Miniſters not conforming to the Rules and Canons of the Church, ſubject only to the penalties in ſuch Canons, notwithſtanding any law or uſage to the contrary.

P. 52. Stat. 33d, Geo. 2d, 2d Seſſ. Cap. 10, Sec. 1: No. 7.

When a building for the ſervice of the Church of England ſhall be erected in any part of the Province, the Governor, with the conſent of His Majeſty's Council, is to fix the limits of the Pariſh, and the Pariſhioners thereof are to have all the power and authority that the Pariſhioners of the Pariſh of St. Paul's have in Halifax.

P. 62. Stat. 34th, Geo. 2d. Cap. 10, Sec. 1: No. 8.

Miniſters of the Church of England may ſue Churchwardens for money by them received, or which they have neglected to ſue for, and recover for the benefit of the Miniſters.

P. 129. Stat. 7th and 8th, Geo. 3d. Cap. 1. Sec. 1, 2, 3, 4: No. 9.

Veſtry of St. Paul's, in Halifax, to meet with the Pariſhioners on the firſt Mondays of December, March, June, and September, yearly, to vote money to repair the Church, and for to purchaſe the uſual goods, ſtock and furniture, ornaments and bells, and for the ſalary of Organiſt, Clerk, Sexton, and Clerk of Veſtry, the ſame to be aſſeſſed and collected as by law appointed; Pariſhioners are thoſe who are aſſeſſed to ſupport the Church; three Pariſhioners at ſuch meeting to be appointed, who ſhall fix what part of the rate the aſſeſſors ſhall pay. Perſons grieved may appeal. All other Churches, hereafter eſtabliſhed in the Province, made ſubject to this and all former Acts.

P. 423. Stat. 40th, Geo. 3d. Sec. 1, 2, 3: No. 10.

Truſtees appointed to ſell the Glebe in the Townſhip of Granville, and to purchaſe another. Churchwardens, Veſtrymen, and Pariſh Officers, in ſaid Townſhip, to be choſen yearly on Michaelmas Day, but if it happen on a Sunday, then to be choſen the Monday following. Pariſh Officers throughout the Province, if Michaelmas Day happen on a Sunday, to be choſen on the day following.

Resolutions of Governor and Council.

P. 1. Stat. 32d, Geo. 2d. Cap. 2, Sec. 11: No. 1.

Confirms the following Resolutions respecting the Registry of Deeds except so far as the same are altered by the 12th and 13th Sections of said Act.

P. 2. 1st Resolution: No. 2.

A memorial of all deeds, which may affect lands, tenements, or hereditaments, either in law or equity, which shall be executed after the 1st March, 1752, shall be registered; and all deeds, unless so registered, shall be deemed fraudulent against subsequent purchasers for valuable consideration, whose deeds shall have been registered.

2d, 3d, and 4th Resolutions: No. 3.

Deeds made prior to 1st March, 1752, shall be registered, or otherwise, to be deemed fraudulent against subsequent purchasers for a valuable consideration, that is to say, deeds concerning lands in the County of Halifax, not already registered, to be registered before the 30th April, 1752, and deeds for any other part of the Province to be registered before 30th September next after. The Governor and Council may, notwithstanding, allow persons absent from the Province, a reasonable time to register their deeds after the foregoing periods.

5th Resolution: No. 4.

The memorials of all such deeds to be registered in the Office of the Public Register at Halifax.

6th and 7th Resolutions: No. 5.

The memorials to be under the hand and seal of one of the grantors, and to be attested by two witnesses, one whereof shall be a witness to the original deed; the execution of which memorial, and the original deed, shall, before registry thereof, be proved by such witness on oath, to be administered by the Register, or his deputy, and a certificate thereof to be indorsed on such memorial; and if the witnesses be dead, or gone out of the Province, before the time appointed for the registry of such memorial, then a memorial of the deed to be registered, may be executed before two other witnesses, who may prove the same as aforesaid.

8th, 9th, and 10th Resolutions: No. 6.

Every memorial to contain the day of the month, and year, when the original deed was executed, the names and additions of the parties, and the description of the lands, in the same manner, or to the same effect, as set forth in the original deed. Register to indorse on the original deed a certificate of the day, hour, and time, on which the memorial was entered, the same to be signed by him or his deputy, which certificate shall be allowed as evidence of the registry of such deed; and the pages of the register book, and the memorials entered therein, shall be numbered, and the time of registry shall be specified on the margins thereof; and the Register shall keep an alphabetical calendar of the several divisions and places within the county, and of the names of the parties, and shall file the memorials in their proper order.

11th Resolution: No. 7.

Register's fees to be one shilling, if the memorial does not exceed 200 words, and 6d. for every hundred words over and above 200. The like fees for copies, and 1s. for every search.

12th Resolution: No. 8.

Persons convicted of forging any entry, acknowledgment, certificate, or indorsement, to suffer the pains and penalties mentioned in the Act of Parliament made in the 5th year of Queen Elizabeth; and any person forswearing himself before the Register, or his deputy, to suffer as for a perjury in a Court of Record.

13th Resolution: No. 9.

In case of the registry of the memorial of a mortgage, if a certificate be produced to the Register, signed by the mortgagee, in the presence of two witnesses, that the money is fully paid, and if such witnesses, upon their oaths, prove, that the money is paid, and that they saw the certificate executed, the Register shall make an entry thereof in the margin of the registry book, against the registry of the memorial, that the same mortgage is satisfied and discharged, and to file such certificate.

14th Resolution: No. 10.

This Act of Council to be a public Act, and to be noticed without pleading the same.

TITLE 82.

Revenue.

P. 275. Stat. 29th, Geo. 3d. Cap. 14, Sec. 1, 2 : No. 1.

Ten per cent. to be paid on all articles imported from the United States of America under the Governor's Proclamation, except lumber, grain, wheat, and rye flour, neat cattle and ſheep alive, the value to be eſtimated according to the original invoice, and the duties to be received by the Collectors of Impoſt and Exciſe.

Sec. 3, 4 : No. 2.

Articles forfeited on which this duty has not been paid, and the maſter of the veſſel to forfeit 50l. who lands the ſame.

Sec. 5 : No. 3.

Collectors, under penalty of 50l. to pay all monies received under this Act into the Treaſury, within thirty days, and the money is to be applied to the relief of the poor of the County, or Town, where the ſame ſhall be collected.

Sec. 6, 7 : No. 4.

The informer to have half the forfeiture and penalties, and the poor the other half; the forfeiture to be recovered before a Juſtice, and the penalty in a Court of Record. This Act to continue to 31ſt March, 1790.

P. 298. Stat. 32d, Geo. 3d. Cap. 13, Sec. 1, 2, 3, 4, 5 : No. 5.

Reſident inhabitants to pay a duty on all goods imported of two and a half per cent. and non-reſidents 5 per cent. unleſs immediately imported from Great-Britain or Ireland; duties to be computed on the firſt coſt; importer, or, if abſent, his clerk, or agent, ſhall immediately produce the original invoice, and verify the ſame on oath, and all un-entered goods found in any perſon's poſſeſſion are forfeited. Collectors to aſcertain the value, and take bond, with two ſureties, for the duty, payable quarterly; if any difference ariſes about the value, perſons are to be choſen to ſettle the ſame: the Collectors to hold the goods until difference ſettled and ſecurity given. Goods, of the value of fifty pounds, found in any perſon's cuſtody, without certificate that the duty is ſecured, are ſubject to forfeiture. Maſter, or owners, breaking bulk, or removing goods before duties ſecured, ſubject to penalties, and the goods to forfeiture. Perſons aſſiſting to defraud the revenue, or obſtructing officers, made ſubject to certain penalties and forfeitures. The duty of the Collectors is pointed out, and certain power given them; and the mode of trial in caſes of law controverſy ſettled. The maſter of a veſſel is not bound to know the contents of each package.

Sec. 6 : No. 6.

Enumerates ſundry goods which are exempt from this duty.

Sec. 7 : No. 7.

Certain articles imported for the uſe of the navy or army, are exempted from this duty on certain conditions, and the mode of accounting for the expenditure thereof is directed.

Sec. 8 : No. 8.

The houſhold goods, proviſions and neceſſaries, of perſons moving to this Province as ſettlers, are exempt from the duty of five per cent.

Sec. 9, 10 : No. 9.

Goods of the value of 50l. exported, are entitled to a drawback upon certain conditions, and ſubject to certain rules and regulations; and goods exported for drawback, if re-landed, ſubjects the veſſel and goods to forfeiture, and every perſon concerned to a penalty of 100l. This Act is limited in its duration.

P. 308. Stat. 33d, Geo. 3d. Cap. 1, Sec. 1 : No. 10.

A duty impoſed on wine of 6d. per gallon; on ſpirits, 6d. per gallon; and on brown ſugar, 1s. for every hundred weight: Conſignees, or importers, within twenty four hours, to render an account, on oath, to the Collector, ſetting forth the quantity of each article imported, the packages, marks and numbers, and from whence brought; the maſter, or ſupercargo, to make a like report, to the Collector, within twenty-four hours after arrival, with the names of the conſignees, and ſhall take out a permit to land the cargo at ſome certain place. If bulk be broken before report and permit, or goods landed at any other place ſave that mentioned in permit, or removed without permit, or before quantity aſcertained, and the duties ſecured, the veſſel to be forfeited, and a penalty of 100l. paid by the perſon tranſgreſſing.

Sec. 2 : No. 11.

Collector, on report being made, to grant permit to land goods at a convenient place, and to mark the ſame, and aſcertain the quantity, and if the duties do not exceed ten pounds, to collect the ſame immediately; but, if to more, to take bond for the amount, with ſufficient ſureties, payable to His Majeſty in quarterly payments.

Sec. 3 : No. 12.

Diſtillers to account with Collectors every month, and to ſecure the duties the ſame as importers.

Sec. 4 : No. 13.

Where no perſon appears, within twenty four hours, to pay or ſecure the duties, the Collector is to ſtore the articles; and, in ten days, to ſell as much as will pay the duty, coſt, and charges, and to reſtore the remainder.

Sec. 5, 6 : No. 14.

No dutiable articles above the value of 5l. to be removed without permit; and, if found in any perſon's poſſeſſion the articles to be forfeited, with the veſſel, or carriage, in which the ſame ſhall be found, and the perſon having the ſame in poſſeſſion to pay 50l. Poſſeſſor, or claimer, of goods, obliged to prove the payment of duty.

P. 32

Sec.

Sec. 7 : No. 15.

Persons exporting a quantity, exceeding two hundred gallons of wine, or four hundred gallons of spirits, or ten hundred weight of sugar, shall have a drawback of duties, upon first obtaining a permit for such export, and giving security, in double the value of the duties, to ship the same within three days, and not to reland, and to send the same away without delay : Collector, or proper officer, to attend the shipment, and to ascertain the quantity, exporter and master first taking and subscribing the proper oaths ; the duties on such articles not to be demanded for twelve months : and on exporter producing within that time the proper certificates of the landing, to have credit for five sixths of the duties secured, or, if paid, to have the same repaid out of the Treasury. Articles fraudulently relanded, forfeited, with the vessel, and every person assisting to forfeit 50l.

Sec. 8 : No. 16.

Persons supplying the army or navy with spirits, to be repaid the duties thereon, or have credit for the same, provided the spirits be delivered to the proper officers of His Majesty's navy or army in presence of the Collector, and provided the person making such supply shall make the proper affidavit, and produce a certificate from the proper- officer that such spirits have been actually issued or sent out of the Province for the above use.

Sec. 9, 10 : No. 17.

Governor to appoint Collectors, Land-Waiters, Weighers and Guagers, who shall have power to enter on board any vessel, and seize and prosecute all forfeitures, and to enter and search suspected vessels or boats, houses, shops or cellars; but, before the entry to search a shop, house, or cellar, such officer shall, on oath, before a Justice, declare the cause of suspicion, and the Justice shall attend, and demand admittance, and if refused, may at any time, between sun and sun, enter by force, and seize the smuggled goods. Collectors authorised to administer the oaths directed by the Act, and, if they neglect the same, shall forfeit, for each offence, one hundred pounds. Persons swearing falsely to be prosecuted for perjury.

Sec. 11, 12, 13, 14, 16, and 19.

Having respect to the appropriation of the money raised by this Act, to pay the public debt, are not reprinted, the same having been executed by the payment of the debt, and the duties are now, by subsequent Acts, appropriated to the general purposes of government, and this Act is continued in force to the present day.

Sec. 15, 17, 18 : No. 18.

Collectors, at Halifax, to give two thousand pounds security, and all other Collectors one thousand pounds security, for the faithful performance of their duty ; and if sued for any thing done in virtue of this Act, may give the special matter in evidence, and may recover cost ; and all penalties and forfeitures to be recovered in a Court of Record ; half to go to the King, and half to the informer. Parties may have a special Jury, and take depositions as in other causes.

P. 322. Stat. 33d, Geo. 3d. Cap. 13, Sec. 1, 2, 3 : No. 20.

Duty imposed, of 6d. per gallon, on spirits ; 9d. on wine ; 1d. on molasses ; 2s. 6d. per hundred on brown sugar ; on coffee, 1d. per lb. ; on refined sugar, three half-pence per lb. ; 2d. per lb. on gun-powder ; on bohea tea, 1d. ; and all other teas, 4d. per lb. ; malt liquors, 7s. 6d. per hogshead ; and, if bottled, 6d. per dozen. A drawback of the whole duty on wine, rum and sugar, to be paid on exportation agreeably to the regulations of another Act passed in the present Session ; and a drawback of five sixths of the duty on the exportation of any of the other articles, is allowed agreeably to the regulations of the same Act : provided, that, of molasses, the quantity exported shall exceed 1000 gallons ; of coffee, 500 lbs. ; of bohea tea, 300 lbs. ; other teas, 200 lbs. ; malt liquor, six hogsheads, or sixty dozen.

Sec. 4 : No. 21.

Spirits supplied to the navy or army, to be exempt on the terms mentioned in said Act.

Sec. 5, 6 : No. 22.

An additional duty imposed, of 3d. per gallon, on rum ; 1d. on molasses ; 2s. 6d. per cwt. on brown sugar ; and 1d. per lb on coffee, unless one third thereof be purchased with the produce of the Province, and imported in a vessel owned by an inhabitant thereof ; the same to be levied on the importation. If British subjects, who are strangers, shall import any of the last mentioned articles in a Provincial vessel, if they, within six months, export in the same vessel, produce of the Province to the value thereof, they shall have this additional duty returned, upon a certificate from the Commissioners of the Revenue. All the duties, imposed by this Act, shall be levied and collected by the rules, and under the penalties, imposed by the other Revenue Act of this Session.

Sec. 7, 8, 9 : No. 23.

Persons exporting the produce of the Province, to purchase therewith any of the foregoing articles, and who intend to have the same exempt by such purchase from the said additional duties, shall, at the time of shipping, deliver a correct invoice of such articles, on oath, to the Collector, and shall make the returns within eighteen months from the time of shipment ; and the master or owner, within twenty-four hours after the arrival of such returns, shall deliver an account thereof to the Collector, and make the affidavit required by the Act, whereupon the Collector shall exempt the same from the additional duties, estimating the produce exported at the price it sold for. The Collector shall forfeit 200l. if he free any articles from such additional duty, unless on the terms provided by this Act, to be recovered in a Court of Record ; and persons making false declarations to be punished as for perjury.

Sec. 10 : No. 24.

Five per cent. on the neat guage or weight of dutiable articles to be allowed in lieu of leakage and wastage.

Sec. 11 : No. 25.

No vessel to pass Digby with intention to unload at any place between there and Annapolis, until the duties be paid or secured with the Collector at Digby ; and no vessel to pass Annapolis without having first secured the duty with the Collector there.

Sec. 12, 13 : No. 26.

Repeals former Revenue Acts, and limits the duration of this Act to one year.

P. 334. Stat. 34th, Geo. 3d. Cap. 7, Sec. 1 : No. 27.

No perſon to have credit for the duties on ſpirits ſold for His Majeſty's ſervice, unleſs the ſame, on the importation, ſhall have been ſtored in the joint cuſtody of the owner and proper officers of the Revenue, and delivered out of ſuch ſtore in the preſence of the officer, and in his preſence conveyed on board His Majeſty's ſhips, or into the Careening Yard, or delivered to the Commiſſary of the Army ; and if ſuch articles are re-landed, the ſame ſhall be forfeited as though fraudulently re-landed after exportation.

Sec. 2, 3, 4 : No. 28.

If no perſon ſhall appear to pay duties, within twenty-four hours after the amount ſhall be aſcertained, the officer may take a ſufficiency of the property into cuſtody, and ſell as much thereof every quarter as will pay one fourth of the duties due thereon ; and, if any balance remain, after paying the full duty and charge, the ſame ſhall be paid to the owner. The Governor to appoint a Revenue Inſpector for the port of Halifax, whoſe duty is deſcribed by the Act. Perſons obſtructing or aſſaulting any Revenue Officer to forfeit 100l. to be recovered in the Supreme Court, half to His Majeſty, and half to the informer.

Sec. 5 : No. 29.

A veſſel arriving in diſtreſs, having dutiable articles on board, may unload, and ſtore the ſame in the cuſtody of the officers, there to remain until the veſſel be fitted for ſea, when the officer is to deliver the ſame for re-ſhipment freed of duty, as on articles exported for a drawback, upon the party paying the expence ; but if the owner ſhall have ſold any of the articles, ſave ſo much as the Commiſſioners ſhall permit to be ſold to pay repairs, ſuch perſons ſhall not have the benefit of this Act ; and articles ſo ſold are made ſubject to the duties.

Sec. 6, 7, 8, 9 : No. 30.

The duty on wine reduced to ſixpence, and on rum to three pence. No exporter to be allowed the drawback, unleſs he take the oath directed by this Act, the duration of which is limited to one year.

P. 342. Stat. 34th, Geo. 3d. Cap. 15, Sec. 1, 2, 3, 4, 5, 6 : No. 31.

An additional duty of 3d. per gallon impoſed on wine, and ſo much of ſuch duty collected in the port of Halifax, as ſhall amount to 150l. yearly, is to be applied to ſupport the Grammar School at Halifax, and the reſidue to ſupport the poor ; the County Treaſurer to receive this additional duty throughout the reſt of the Province, which is to be applied as the Juſtices in Seſſions, in each County (Halifax excepted) ſhall direct. Drawback allowed to the ſeveral Counties on quantities exceeding one hundred gallons : if this duty, collected at Halifax, ſhall fall ſhort of 150l. yearly, the deficiency ſhall be made up from the duty on licenced houſes. This Act to continue for one year.

P. 363. Stat. 35th, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 32.

Spirits ſtored for His Majeſty's ſervice to be exactly guaged, and the quantity marked, without an allowance of five per cent. which quantity ſhall be accounted for. The officers, every three months, at leaſt, to take an account of all dutiable articles in any perſon's cuſtody, and perſons refuſing admittance to officers to forfeit 100l.

Sec. 3, 4, 5, 6 : No. 33.

Commiſſioners of the Revenue may extend the time for perſons claiming drawbacks to return certificates ; and where articles exported are loſt, or taken, Commiſſioners, on full proof, may allow the drawback. Governor to appoint, in the out-ports, Searchers, who may ſeize and proſecute. Act to continue for one year.

P. 381. Stat. 36th, Geo. 3d. Cap. 14, Sec. 1, 2 : No. 34.

Wine allowed by His Majeſty to the officers and men on board ſhips of war, is exempted from duty, the ſame as ſpirits.

P. 388. Stat. 37th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 35.

The purchaſers of contraband articles, forfeited to His Majeſty, ſhall pay the duties.

P. 394. Stat. 38th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 36.

Officers of the navy purchaſing wine, for conſumption on board ſhip, to be allowed a drawback. The Governor, on application of the Commanding Officer, to grant a licence to purchaſe ſo much as the Commiſſioners of the Revenue ſhall certify to be neceſſary : ſhipment to be made under the direction of the Exciſe Officers.

P. 417. Stat. 39th, Geo. 3d. Cap. 16th, Sec. 1 : No. 37.

Continues ſeveral Revenue and Light-Houſe Acts for another year.

Sec. 2, 3, 4, 5, 6 : No. 38.

Bonds to be taken from the purchaſers of prize goods for the duties, the ſame as if they were the importers. The duty on tea reduced, to five ſhillings a cheſt on bohea tea, and one penny per pound on fine teas ; the reduction to take place on teas imported ſince the 31ſt March laſt. No drawback on tea in future. Agents at Halifax, receiving conſignments from the out-ports, may export ſuch articles, and recover the drawback in the name of the original importer, provided ſuch conſignment, made at one time, ſhall amount to the quantity on which a drawback is allowed, and is accompanied with a proper permit. Act limited to one year.

P. 425. Stat. 40th, Geo. 3d, Cap. 8, Sec. 1, 2, 3 : No. 39.

Unwrought iron, anchors, grapnels, ſail cloth, cordage, hemp, twine, lines, and fiſh hooks, exempted from duty ; and the duty on porter, ale, loaf ſugar, and gun-powder, reduced, and Act continued.

P.

P. 426.

P. 443.

P. 464.

P. 465.

P. 474.

P. 476.

P. 480.

P. 481.

P. 481.

P. 426. Stat. 40th, Geo. 3d. Cap. 11, Sec. 1, 2, 3, 5, 6: No. 40.

The duties on wine and rum reduced, each fourpence per gallon, and drawback allowed on all the unconsumed wine and rum on hand the first July, 1800.

Sec. 7, 8: No. 41.

Regulates the drawback to be allowed on all the unconsumed porter, ale, loaf sugar, and gun powder.

Sec. 9: No. 42.

Continues the several Revenue Acts.

P. 443. Stat. 41st, Geo. 3d. Cap. 11, Sec. 1, 2: No. 43.

Continues the several Revenue Laws, and authorises the Collector to retain one penny per gallon of the duties on wine and spirits exported.

P. 464. Stat. 42d, Geo. 3d. Cap. 14, Sec. 1, 2, 3, 4: No. 44.

Wine, the produce of the Azores, to pay, in future, a duty of only 3d. per gallon: one penny deducted if purchased with the produce of the Province. A drawback allowed on exportation. Duration of this Act limited.

P. 465. Stat. 42d, Geo. 3d. Cap. 17, Sec. 1, 2: No. 45.

Non-resident inhabitants importing West-India produce, in future, not to be exempt from the additional Impost duty, although they may, afterwards, export the value thereof in the produce of the Province, but are allowed a drawback of such duty, on exporting such West India produce. Act limited in its duration.

P. 474. Stat. 44th, Geo. 3d. Cap. 1, Sec. 1, 2, 3: No. 46.

Wine, spirits, sugar, and other dutiable articles, may be exported in the same bottom without landing, and, if the parties desire it, part of the cargo may be landed, and the duties thereon secured in the usual manner; and any other part of the same cargo may be exported without landing, the duties thereon being first secured according to the original invoice, which must be produced on oath: and the person so securing the duties shall be entitled to a drawback of such duties in the usual form. A false entry subjects the vessel, and surplus goods, to seizure; and in case any such goods be afterwards fraudently landed, the goods and vessel made liable to forfeiture; if the party refuses to produce the original invoice, the goods must be landed, and duties secured.

Sec. 4, 5, 6: No. 47.

In case the Collector suspects the entry to be false, he may examine the cargo, and the master and crew shall assist him in so doing; and in case he refuse assistance the goods shall be landed, and, if the officer doubts the invoice, he shall submit the same to three merchants, and, if they certify there is cause of suspicion, the officer shall discharge the cargo, and ascertain the truth of the entry: no penalty or forfeiture to attach, unless the difference shall, in the opinion of three merchants, exceed what is usually found in the guage or weight of two different ports. Persons who unnecessarily delay discharging the part of the cargo to be landed, or, after unlading that part, shall delay proceeding to sea with the residue longer than ten days, shall pay the tide waiter his daily pay. Act to continue to 31st December, 1805.

P. 476. Stat. 44th, Geo. 3d, Cap. 2, Sec. 1: No. 48.

Continues to 31st December, 1805, the two Revenue Acts of the 33d Geo. 3d. also, the Act of the 44th Geo. 3d. to amend and continue the said Acts; also, an Act of the 35th of Geo. 3d. to continue, and in addition to, the same; also, an Act of the 36th Geo. 3d. to amend and continue the same; also, an Act of the 37th year of Geo. 3d. to amend, and continue, the same; also, an Act passed in the 38th year of Geo. 3d. to allow a drawback on wine consumed by officers of the navy; and, also, certain clauses of an Act of the 39th year of Geo. 3d. for altering, and continuing the several Revenue Laws; also, an Act of the 40th Geo. 3d. to amend, and continue, the same; also, an Act of the 41st Geo. 3d. to explain, and continue, the same; also, an Act of the 42d year of His Majesty's reign, to amend, and continue, the same.

P. 480. Stat. 44th, Geo. 3d. Cap. 6, Sec. 1: No. 49.

Continues the two and a half per cent. Act to 31st December, 1805.

P. 481. Stat. 44th, Geo. 3d. Cap. 7, Sec. 1: No. 50.

Continues the ten per cent. Act to 31st December, 1805.

P. 481. Stat. 44th, Geo. 3d. Cap. 8, Sec. 1: No. 51.

Continues the Grammar-School duty to 31st December, 1805.

TITLE 83-84

Riding Diſorderly.

P. 51. Stat. 33d, Geo. 2d. 2d Seſs. Cap. 8, Sec. 1, 2, 3: No. 1.

No perſon in the ſtreets or highways of any Town in the Province, to gallop on horſeback. No driver of cart, truck, or ſled, to ride on the horſe, or ſet on the carriage, but ſhall lead the thill or ſhaft horſe by a halter not longer than four feet, and drive no faſter than a foot pace, under penalty of ten ſhillings for each offence, to be recovered before a Juſtice; complaint to be made within 24 hours; and if offender refuſe to pay the penalty, he ſhall labour four days on the highway, and if he refuſes, a Juſtice, on complaint of the Surveyor, may commit the offender to Bridewell to receive ten ſtripes, and be diſcharged. All ſled and ſlays to have ſix horſe bells affixed to the harneſs, and no kind of carriage to be driven diſorderly, under penalty of twenty ſhillings for each offence: to be levied by warrant of diſtreſs on conviction before a Juſtice; complaint to be within twenty four hours. All penalties to be paid to Overſeers, and laid out on the highways.

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TITLE 84.

Rogues and Vagabonds.

P. 186. Stat. 14th and 15th, Geo. 3d, Cap. 5, Sec. 1, 2: No. 1.

Soldiers or ſeamen travelling or wandering without a paſs from their officer, and other idle or wandering perſons, without a paſs from a Magiſtrate; perſons who run away, or threaten to run away, and leave their families chargeable on the town; perſons returning to a Townſhip after they have been removed; perſons having no viſible means to maintain themſelves, and live idle, and refuſe to work for wages; and beggars; ſhall be deemed idle and diſorderly perſons; and, on conviction before one Juſtice, to be impriſoned at hard labour not exceeding one month.

Sec. 3: No. 2.

Any perſon may apprehend and carry offenders before a Juſtice; any Conſtable neglecting or refuſing ſo to do, ſhall be puniſhed as for a breach of duty; and any other perſon who ſhall refuſe or neglect ſo to do, when commanded by a Juſtice, ſhall forfeit, on conviction, ten ſhillings. Any conſtable, or other perſon, apprehending or delivering any ſuch diſorderly perſon to a Juſtice, or Conſtable, ſhall receive ten ſhillings out of the County Treaſury.

Sec. 4: No. 3.

Juſtices of the Peace, on information, to iſſue warrants to ſearch for perſons of the foregoing deſcription; ſuſpicious perſons apprehended, although no direct proof againſt them, to be examined, and examinations returned to Seſſions; and if the perſon make it not appear to the ſatisfaction of the Juſtices, that he is an orderly perſon, or otherwiſe procure ſurety for his appearance at another day, Juſtices to commit ſuch perſon for a time not exceeding fourteen days, and to direct the Overſeers of the Poor publickly to advertiſe ſuch perſon, and the day of his further examination, and if no perſon appear to proſecute him, he ſhall be diſcharged, or otherwiſe dealt with according to Law.

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Sec. 5, 6: No. 4.

Perſons preventing officers from executing this act, or officers neglecting to execute the ſame, to forfeit 5l. on conviction before a Juſtice; perſons who ſhall knowingly harbour any of ſaid diſorderly perſons, and ſhall not apprehend them, or give notice to a Conſtable, ſhall forfeit, on conviction, not exceeding forty or leſs than ten ſhillings. Perſons fined for harbouring deſerters purſuant to the act of Parliament, not to be proſecured on this Act for the ſame offence.

Sec. 7, 8, 9: No. 5.

Two Juſtices to order lunatics or mad perſons to be taken up and confined, and upon proof, on oath, of the charge of confining, maintaining, and curing, ſuch perſons, to direct ſo much of his real or perſonal property to be ſold as will be ſufficient to pay the ſame; or rents, if he has any, to be received for that purpoſe by the Church wardens, or overſeers of the Poor; the ſame to be accounted for at General Seſſions. Poor perſon in that ſtate to be ſupported by the Town. Nothing in this Act to extend, or diminiſh, the power of the Crown; and the chancellor, or friends or relations, as it reſpects lunatics. Perſons ſued may plead the general iſſue, and if acquitted, to have treble coſt.

Schools.

P. 120. Stat. 6th, Geo. 3d. Cap. 7, Sec. 1, 2: No. 1.

No perſon to keep a Grammar School in any part of the Province, or any kind of School in Halifax, until examined by the Miniſter of the town; and where no miniſter, then by two Juſtices, a certificate of which, with one by ſix of the inhabitants, of the perſon's morals, ſhall be ſent to the Governor for obtaining a licence agreeably to His Majeſty's inſtructions. Perſons offending, on conviction before two Juſtices, ſhall forfeit 3l. to the uſe of the town ſchool. Schoolmaſter to take the State Oaths. A Papiſt ſetting up ſchool, on conviction, to be impriſoned, and pay a fine of 10l. and perſons refuſing to take the oaths to be deemed a popiſh recuſant.

Sec. 3: No. 2.

Lands ſet apart for ſchools in each Townſhip to be veſted in Truſtees, who are to hold and improve the ſame for that purpoſe.

Papiſts allowed, under certain regulations, to keep ſchool—ſee Papiſts, No. 4.

P. 220. Stat. 20th, Geo. 3d. Cap. 3, Sec. 1 2: No. 3.

1500l. granted to build a ſchool in Halifax, and 100l. per annum to ſupport a ſchoolmaſter, with 50l. a year to ſupport an uſher, when the number of ſcholars ſhall exceed forty.

Sec. 3, 4, 5: No. 4.

Governor to appoint five Truſtees annually; one to be a Preſident, who ſhall be incorporated, make bye laws, ſue and be ſued, hold grants of land, and receive donations, and to be accountable to the Legiſlature; and ſhall viſit and hold a public examination of the ſchool twice in the year, that is, on the firſt Monday of May and of October.

TITLE 86.

Seamen.

P. 13. Stat. 32d, Geo. 2d. Cap. 12, Sec. 1: No. 1.

Any perſon who ſhall intice a ſeaman or marine to deſert, or knowingly harbour, conceal, or aſſiſt, a deſerter from a ſhip of war, ſhall forfeit to His Majeſty 20l. on conviction before three Juſtices: to be levied by diſtreſs of offender's goods; and, for want thereof, to be impriſoned ſix months, or until fine paid.

Sec. 2: No. 2.

Any perſon buying, exchanging, or receiving in pledge, from ſeaman or marine, any ſlop cloathing, to forfeit 5l. forty ſhillings of which to go to informer, and the reſidue to the King, to be levied by diſtreſs, and for want thereof, offender to be impriſoned two months, or until penalty paid; conviction to be before one or more Juſtice of the Peace, upon the cloaths being found in poſſeſſion of perſon charged, or on confeſſion, or the oath of one credible witneſs.

Sec. 3: No. 3.

Perſon ſeeing ſeaman or marine ſelling, or expoſing to ſale, ſlops or cloathing, to carry him before a Juſtice, who ſhall commit him to goal, and deliver him to his officer.

Sec. 4: No. 4.

Juſtices, on information on oath, to grant warrant to any Conſtable to ſearch for deſerters in any houſe, who is to be accompanied by one officer only from the ſhip of war: Perſons refuſing admittance to Conſtable to forfeit 20l. to be levied, on conviction, by warrant of diſtreſs from two Juſtices: for want of goods offender to be impriſoned ſix months. Search, in the night, for deſerters, to be made by the Juſtice in perſon, attended with Conſtables, and only one officer from the ſhip: Perſons refuſing admittance to ſuch Juſtice to forfeit the ſame penalty laſt before mentioned. Perſons apprehended on ſuſpicion of being deſerters, to be ſent to goal, and delivered to their officers on proof being made, before one Juſtice, of their deſertion, or, otherwiſe, for want of ſuch proof, to be diſcharged.

Sec. 5: No. 5.

To continue during preſent War.

Sec.

Sec. 6: No. 6.

Act to take effect in seven days after publication.

P. 56. Stat. 33d, Geo. 2d. Cap. 1, Sec. 1: No. 7.

Makes the Statutes 32d Geo. 2d. Cap. 12, perpetual.

TITLE 87.

Servants.

P. 113. Stat. 5th, Geo. 3d. Cap. 7, Sec. 1, 2: No. 1.

All indented or hired servants, for a term not less than six months, shall have a certificate from former master, which succeeding master shall receive and keep in his hands. Person convicted at Sessions of having a servant without such certificate, to forfeit 10l. half to the poor and half to the informer, to be levied by distress: person refusing to grant certificate for five days after notice of complaint before a Justice, he may, if he finds such refusal to be without good cause, grant the servant a certificate, which shall be as good as if granted by the master. Servant convicted before two Justices of counterfeiting such certificate, to be publicly whipped.

Sec. 3, 4: No. 2.

Servants deserting shall serve double the time, and if desertion be in seed time, harvest, or during the fishing season, the Sessions may, according to the damage, make the time of service longer. Persons complaining of desertion, must prove, before a Justice, the time of the servant's absence, and expence of recovering him, and obtain a certificate thereof, on which the Court may pass judgment.

Sec. 5: No. 3.

Two Justices, if complaint made within ten days, unless prevented by sickness, or by the master, may examine all charges for cruel or bad usage by master, and may make order for the servants relief, either by discharging him, or otherwise. Party, not satisfied, may appeal to Sessions, there to be finally settled.

Sec. 6: No. 4.

Masters of vessels knowingly harbouring servants, without master's permission, forfeit 10l. to be recovered in a Court of Record.

Sec. 7, 8: No. 5.

Before any person shall accept an assignment of a servant indented in Great-Britain, or Ireland, he shall go before a Justice, who shall examine the indentures, and certify if there be no objection to the assignment. Person hiring in the fishery for a station that he is not qualified for, shall, on proof thereof before one Justice, forfeit all his wages.

P. 255. Stat. 28th, Geo. 3d. Cap. 6, Sec. 1, 2: No. 6.

No engagement of a servant to be valid for a longer period than a month, unless made in writing, and signed by both parties, in presence of a witness, who must read and explain the agreement, which must specify the period of service, and the wages. Justice to enquire into complaints against servants for misbehaviour, and, if well founded, to order a part of the servant's wages, not exceeding 5s. to be stopped.

Sec. 3, 4, 5: No. 7.

Master, or mistress, selling spirits to their hired servants, are not allowed to stop their wages for the same, and shall forfeit, on conviction before a Justice, double the value of the spirits so sold. A person suing a servant or common labourer shall be non-suit, if it appear that any part of the demand, either directly or indirectly, be for spirituous liquors. And a tavern-keeper, or retailer, who shall buy, or receive in pawn, from a servant or common labourer, wearing apparel, tools, implements of trade, husbandry, or furniture, shall forfeit forty shillings, and the property be immediately restored, or double the value paid, on pain of imprisonment, not to exceed a month; complaint to be made to a Justice or Justices. Persons keeping tavern, or retailing spirituous liquors, to forfeit ten shillings if they do not keep this Act posted up in a conspicuous part of their house.

Sec. 6: No. 8.

Three Justices, on examination, to commit to jail or bridewell disorderly or beggarly persons, who have no visible

visible means to obtain an honest livelihood, and to bind out such persons for a term not exceeding seven years. Persons convicted of clergyable offences, may, as a further punishment, be bound out to service. Persons having servants bound to them, may, with the approbation of three Justices, sell, or assign, their time to others.

Sec. 7, 8: No. 9.

Justices to make further regulations for the government, and punishment, of servants, and apprehending runaways, and all other Acts not altered by this to be in force.

TITLE 88.

Sewers.

P. 59. Stat. 34th, Geo. 2d. Cap. 7, Sec. 1, 2: No. 1.

Governor, with the advice of Council, at the request of Proprietors, to grant Commissions of Sewers, for building and repairing Dykes and Wears, damming and flowing swamps, and draining the same. Commissioners to meet and consult respecting the same, to employ labourers on the best terms to effect such purposes, and tax the owners for payment, having respect to quality of land, and benefit received; to appoint Collectors to receive the tax, with power to distrain for the same, and to call Collectors to account, to value the dykes made before the date of their commissions, and rate those who are benefited thereby, and who have not contributed. Commissioners, out of assessments, to have such allowance as Governor and Council shall appoint, to whom, when required, they must account.

Sec. 3, 4: No. 2.

Proprietors who neglect, or refuse, to pay rates, the other proprietor to hold delinquent's lands, so long as Commissioners shall think requisite, for the profits, to reimburse them. Persons grieved by any proceedings of Commissioners, may appeal to Governor and Council, who may order lands to be restored.

P. 88. Stat. 3d and 4th, Geo. 3d. Cap. 1, Sec. 1, 2: No. 3.

A Justice, on complaint of Collector, to grant warrant of distress against such as refuse to pay dyke rates, and for want of distress, to commit delinquent till he make satisfaction. Justice to let the lands of absent proprietors, until dyke rates paid.

P. 110. Stat. 5th, Geo. 3d. Cap. 4, Sec. 1, 2: No. 4.

Proprietors of dyked land, present in the Province, who refuse to pay rates, and shall not have any goods whereon the same may be levied, so much of his lands are to be let out by one Justice, as will be sufficient to pay the rate due.

P. 143. Stat. 8th, Geo. 3d. Cap. 9, Sec. 1, 2: No. 5.

Every proprietor of marsh lands, when called on, shall attend himself, or send a sufficient labourer, with proper tools, to work in dyking, ditching or draining, agreeably to the regulations of the Sewers; and if he have oxen, or carts, he shall be obliged, if required, to send the same to work in proportion to labourers; and, if he owns more than one right, he shall furnish labour according to the quantity of land, as the Sewers shall agree. Proprietors to have six days previous notice of the time and place where the work is to be done.

Sec. 3. 4: No. 6.

On any sudden breach of a dyke, every owner immediately, on notice, to go to work, and to exert themselves from day to day, to repair the damage, so long as the Sewers shall think necessary. Proprietor to forfeit 5s. for every day's neglect of ordinary work after notice, and 10s. for every day's neglect, on any sudden breach, over and above their rates, to be recovered before a Justice, and levied by distress; and, for want thereof, his lands are to be let. Proceeds of fines to be paid to the Sewers for general uses.

P. 155. Stat. 9th and 10th, Geo. 3d. Cap. 2, Sec. 1, 2: No. 7.

Where no person appears to pay dyke rates, and no distress can be found, Sewers shall advertize the delinquent's lands in the public prints for three months to let; and, if no person appear to hire the same, Sewers are, by warrant, to direct the dyked or drained lands of delinquent, to be valued by three persons, on oath, and then shall order the Sheriff to sell so much thereof as will pay the rate. Sheriff to execute a deed, and give possession to the purchaser, his fee to be 10s. Persons grieved to appeal to the General Assembly.

P. 167. Stat. 11th, Geo. 3d. Cap. 9, Sec. 1: No. 8.

All appeals against proceedings of Commissioners to be made to the Governor and Council, instead of the General Assembly.

P. 223. Stat. 21ſt, Geo. 3d. Cap. 3, Sec. 1 : No. 9.

Where ſods or ſoil for making a common dyke have been cut off any proprietor's marſh, or any part of it has been waſhed away, and, by making a new dyke, loſt, the Sewers ſhall have the ſame valued by five diſintereſted freeholders, ſworn for that purpoſe; and if the proprietors have in ſuch marſh any common, or undivided marſh land, the Sewers ſhall compenſate the injured party out of the ſame; and where no common marſh, then the value to be aſſeſſed on the other proprietors.

P. 280. Stat. 30th, Geo. 3d. Cap. 7, Sec. 1 : No. 10.

When the charge of dyking or draining ſhall exceed 5s. per acre, the Sewers ſhall aſſemble the proprietors to elect aſſeſſors, who are to be ſworn, and, with the Sewers, are to aſſeſs the tax on the proprietors, having reſpect to the quantity and quality of each perſon's lands, and the particular benefit received.

P. 315. Stat. 33d, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 11.

Commiſſioners not to exerciſe any of the powers given by the Act of the 34th of His late Majeſty, unleſs called on by the owners of more than a half part of the marſh. This Act is not to extend to prevent Commiſſioners from repairing breaches, or draining marſhes heretofore dyked.

TITLE 89.

Sheep.

P. 215. Stat. 19th, Geo. 3d. Cap. 7, Sec. 1 : No. 1.

Juſtices in Seſſions to make regulations to prevent the clandeſtine driving away ſheep, or lambs, from the different Townſhips; and perſons tranſgreſſing to forfeit a ſum not exceeding 5l. to be recovered before two Juſtices, or the Seſſions.

P. 351. Stat. 34th, Geo. 3d. Cap. 2, Sec. 1 : No. 2.

A perſon keeping a dog accuſtomed to kill ſheep, after notice given to put it away, ſhall forfeit 3l. for each offence, and pay the owner 10s. for each ſheep or lamb killed, to be recovered before a Juſtice.

Sec. 2, 3 : No. 3.

Seſſions, at the deſire of the Grand Jury, to offer a reward for killing wolves, and the townſhips are to be aſſeſſed for the amount thereof.

TITLE 90.

Sheriffs.

P. 230. Stat. 23d, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4, 5, 6, 7,

Repealed by 35th Geo. 3d. Cap. 1.

Sec. 8, 9 : No. 1.

All Clerks of the Crown, and Peace, every ſix months, to certify to the Clerk of the Supreme Court, at Halifax, all fines and forfeitures adjudged to the Crown; and, if none, to certify the ſame, under penalty of 5l. Sheriff, within two months after his year of office, to render an account, on oath, to the Clerk of the Supreme Court at Halifax, under penalty of 20l. and Clerk of the Supreme Court, at the end of Eaſter Term, to account for all fines and forfeitures throughout the Province to the Treaſurer.

P.

P. 321. Stat. 33d, Geo. 3d. Cap. 10, Sec. 1: No. 2.

Sheriff may administer to appraisers of property attached, or taken, the usual oath.

P. 344. Stat. 35th, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4, 5: No. 3.

The Chief Justice, on the last day of Michaelmas Term, to nominate three persons to serve the office of Sheriff, in each County, of whom the Governor is to prick one, who, being resident in his County, and having given security, and received his patent, shall be vested with the power, and under the same regulations, as Sheriffs in England: subject, nevertheless, to the Laws of this Province; on refusal to serve to forfeit 50l. and the Governor to prick another: the same person may be returned to serve a second year, unless the Sessions request the contrary. Sheriff to take the oath required by the Act.

Sec. 6: No. 4.

If the Sheriff die, his deputy is to do the duty, and the principal sureties are bound for him until another Sheriff be appointed; if there be no deputy, the Judges of the Inferior Court may appoint a person to do the duty, who shall give security, and serve until another is appointed.

Sec. 7, 8, 9, 10, 11: No. 5.

The writ of summons, in future, is to be directed to the Sheriff, and the form of it is appointed by the Act; and the fees to be taken by the Sheriff are also regulated, and he is made subject to a prosecution if he demands greater. Property attached, and appraised, if of a perishable nature, may, on notice to defendant, and his refusing to give security, be ordered, by a Judge, to be sold, and money held to respond judgment. Fines recovered under this Act to be paid into the Province Treasury.

Sec. 12: No. 6.

The process of the Inferior Court to extend only through the County or District to which such Court belongs, and only persons resident within the same are subject to its jurisdiction.

Sec. 13: No. 7.

Sheriff detaining money twenty-four hours after demand made, shall pay the party 5s. in the pound for every week he shall detain the same: to be recovered in the Supreme Court, if the action be brought in three months.

Sec. 14: No. 8.

Repeals the Act of the 18th Geo. 3d. Cap. 2; also, all the Act of the 23d Geo. 3d. Cap. 1, except that part which relates to the Clerks of the Crown, Clerks of the Peace, and Prothonotaries of the Supreme Court; also repeals the Act of the 28th Geo. 3d. Cap 7.

P. 430. Stat. 40th, Geo. 3d. Cap. 15, Sec. 1: No. 9.

Gives to the Sheriff additional fees in several instances.

Sec. 2, 3: No. 10.

Fees for service of Writs in the District of Yarmouth, Colchester and Pictou, to be as though they were separate Bailiwicks. Act limited for one year.

TITLE 91.

Small Pox

P. 407. Stat. 41st, Geo. 3d. Cap. 2, Sec. 1: No. 1.

Act of the 39th Geo. 3d. to regulate the practice of inoculating for the Small Pox, repealed.

TITLE 92-93.

Soldiers.

P. 350. Stat. 35th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 1.

Soldiers, and Officers, marching from one Diſtrict, to another, to be billeted at inns, by a Juſtice of the Peace, on the Officer, commanding the party, producing to the Juſtice the orders for ſuch march from the commanding officer in the Province ; If there is not ſufficient room at the inns, then billets to be granted on the houſes retailing ſpirits. Perſons refuſing obedience to the Juſtice's written billet, to forfeit 5l. to be recovered in a Court of Record.

P. 350. Stat. 35th, Geo. 3d. Cap. 5, Sec. 1 : No. 2.

A perſon knowingly aſſiſting a deſerter to forfeit 5l. and a like penalty of 5l. for receiving ſoldier's arms, or neceſſaries : to be levied, on conviction before two Juſtices, by diſtreſs, and, for want thereof, offender to be committed for three months, or otherwiſe, whipped. No officer, under pretence of ſearching after deſerters, to break a houſe, unleſs by warrant from a Juſtice, under penalty of 20l.

P. 436. Stat. 41ſt, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 3.

Expence of conveying, and apprehending, deſerters, to be paid out of the Treaſury, if the ſame cannot be recovered from the corps, or ſhip, to which they belong ; penalty for encouraging deſertion eſtabliſhed, and officer, at his option, may proſecute thoſe who encourage deſertion, either before two Juſtices, or in the Supreme Court : and, if convicted in the Supreme Court, the penalty to be not exceeding 40l. and coſt ; and, if convicted before two Juſtices, the penalty to be 5l. Penalties to go to the poor ; and offender, if unable to pay the penalty, to be publickly whipped.

P. 467. Stat. 43d, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 4.

Penalty, for harbouring deſerters, increaſed to 20l. Peace Officers to apprehend perſons ſuſpected as deſerters, and bring them for examination before a Juſtice, who, on due proof, may commit the perſon, and inform the Governor, or next commanding officer. All keepers of priſons are obliged to receive deſerters, and are entitled to their full ſubſiſtence, while in cuſtody, to pay for their maintenance, which is the only fee ſuch keeper ſhall have.

TITLE 93.

Summary Trials.

P. 116. Stat. 5th, Geo. 3d. Cap. 11, Sec. 1, 2 : No. 1.

Supreme and Inferior Court may try all actions, the ſum total of which does not exceed 10l. in a ſummary way, according to law and equity, ſubject to a Writ of Error from the Inferior Court to the Supreme Court ; when the judgment ſhall exceed 5l. examination of witneſſes ſhall be taken in writing, and if the fact appear doubtful, the Court to order a Jury.

Sec. 3 : No. 2.

Any Juſtice, of either Court, may receive the debtor's confeſſion of debt, a record of which being made by the Juſtice, he may grant execution upon the oath of the creditor, the ſame as if the cauſe had been tried in the Court ; if debt exceeds 3l. record muſt be made by the Clerk of the Court : his fee, 1s. Juſtice 5s. excluſive of Sheriff's fees.

Sec. 4, 5, 6, 7 : No. 3.

A ſingle Juſtice to try, in a ſummary way, demands not exceeding twenty ſhillings ; and, if not exceeding three pounds, to be tried by two Juſtices, ſubject to an appeal ; execution to be awarded by them, returnable in ten days ; and ſummons in, at leaſt, ſeven days from the date. The form of the ſummons is preſcribed by the Act, and muſt be left with defendant, or at his laſt place of abode, at leaſt, ſeven days before trial ; execution to run againſt the goods, and, for want thereof, to take the body. The Act to continue two years.

P. 128. Stat. 7th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 4.

Former Act to continue ten years. Coſt of trial before a Juſtice, if debt does not exceed 20s. not to be more than 7s. 6d. if debt does not exceed 3l. coſt not to exceed 10s.

P.

P. 170. Stat. 11th, Geo. 3d. Cap. 21, Sec. 1, 2: No. 5.

Causes not exceeding 3l. may be sued before one Justice, in Halifax, the summons is to be directed to the Provost Marshal, or deputy, and to them, or the Constable, in the rest of the Province: if defendant is absent, a copy to be left at his last place of abode three days before trial, but, if present, the summons to be read to him: fee for serving summons 2s. 6d.; service of execution 1s. with 1s. poundage. Justice's whole fees, including execution, 4s. 10d. If the officer travels above two miles he shall have two pence per mile.

Sec. 3, 4: No. 6.

Gives the form of Summons and Execution, and allows the Justice to take the confession of a debtor, for a sum not exceeding 3l. the same as in the Supreme Court: Justice's fee thereon, including execution, 2s.

P. 181. Stat. 13th and 14th, Geo. 3d. Cap. 9, Sec. 1, 2, 3: No. 7.

Supreme and Inferior Courts to try, in a summary way, causes not exceeding 20l. subject to a Writ of Error from the Inferior Court to the Supreme Court. If judgment exceed 5l. and on examination of witnesses, the fact is doubtful, or the parties desire the cause shall be tried by a Jury, the Judges of the same Courts may receive the debtor's confession for the like sum, the same as if the debt did not exceed 20l.

P. 191. Stat. 14th and 15th, Geo. 3d. Cap. 15, Sec. 1, 2, 3, 4: No. 8.

Where the whole dealing does not exceed three pounds, creditor may cause debtor to be summoned before two Justices of the County where either dwells, who shall adjudge the cause according to equity and good conscience. Defendant may set off his account against plaintiff. Justices may order defendant to pay, by instalments, according to his circumstances, and may allow cost; if judgment be above twenty shillings, party may appeal; if defendant does not appear, or perform the order of the Justices, they may issue a warrant of distress for debt and cost, and for want of goods, may commit defendant for a period not exceeding two months, according to the amount of the debt, or until he perform order; where the whole dealing does not exceed three pounds, no action to be brought for the same in any other Court, except by appeal; not to extend to debt for rent, real contract, or specialty, or contract concerning marriage.

Sec. 5, 6, 7, 8: No. 9.

In Halifax, summons to be directed to the Sheriff, or his deputy; and, in other parts of the Province to him, or the Constable of the Township; officer to read the summons to defendant, or, if absent, to leave a copy at his last place of abode three days before trial; fee, for service, one shilling, and two pence per mile travel, and the same for serving warrant of distress, or commitment, and poundage of a shilling for levying and selling the distress. Justices' whole fees 2s. 6d. for the summons, 1s. for the judgment, and 1s. 4d. for warrant to commit, or distrain; and if the sum sued for does not exceed 5s. there shall be no cost; persons taking any larger fees to pay a penalty of 5l. to be recovered in a Court of Record. The 8th Sec. gives the form of the summons.

P. 194. Stat. 15th, Geo. 3d. Cap. 3, Sec. 1: No. 10.

Where the whole dealing shall not exceed 3l. jurisdiction is given to one or more Justices.

Sec. 2, 3: No. 11.

Justice may issue execution against body and goods; and, for want of goods, the body to be held until released by creditor; and cost shall be awarded in all cases, where debt shall not exceed five shillings.

P. 240. Stat. 25th, Geo. 3d. Cap. 4, Sec. 1, 2: No. 12.

Authorises Justices to replevin cattle impounded for trespass; and to try causes, in a summary way, when the damage does not exceed three pounds. [See Title Trespass, No. 17, 28.]

P. 251. Stat. 26th, Geo. 3d. Cap. 9, Sec. 1, 2: No. 13.

Debtors, for sums under three pounds, to be held to bail on capias, or warrant, indorsed by a Justice of the Peace, on affidavit, as is usual in debts of more value. A forty shilling freeholder not to be arrested by a Justice's writ, for a sum under twenty shillings, nor for a larger debt not exceeding three pounds, unless the party, in addition to the usual affidavit, do swear that he believes the debt will be lost, unless the debtor be arrested.

P. 281. Stat. 30th, Geo. 3d, Cap. 8, Sec. 1, 2, 3: No. 14.

Justice of Peace to direct summons to the Constables; defendant to have three days notice, exclusive of the day of service; if defendant is not to be found, a copy to be left at his last place of abode; fee for service one shilling, and three pence per mile travel from the Justice's house. Justice not to try actions of debt, for rent, trover, defamation, trespass, assault, battery, false imprisonment, or any action in which the titles to land may come in question.

P. 304. Stat. 32d, Geo. 3d. Cap. 14, Sec. 1, 2, 3, 4, 5: No. 15.

Rotation Court established for the trial of all actions cognizable by a single Justice, within the town and Peninsula of Halifax: the Sessions to appoint a Clerk to such Court, who shall be sworn: the Court to be composed of three Justices of the Peace, who are to attend the Court for a month: the Sessions to regulate the rotation according to the provisions of the Act, by changing two of the Justices every month: the place of sitting to be advertised; and provision is made in case any of the Justices should be prevented attending his duty, a Justice may substitute another to act in his stead; and the Members of His Majesty's Council, and those Officers of Government who are appointed Justices of the Peace, and who do not usually attend the Sessions, are exempt from serving in this Court.

Sec. 6: No. 16.

Court to be held every Tuesday and Friday; may swear the witnesses, and shall administer justice according to equity and good conscience. Justices to sign an entry, to be made by the Clerk, of the nature of every cause, the evidence, and

and the judgment, and alſo an account of the fees, and coſt, allowed. The Rotation Court to have all the power granted to a Juſtice for the trial of civil actions; Clerk to iſſue the proceſs, which muſt be under the ſeal, and teſted in the name of the ſenior Juſtice, and returnable to the next ſitting of the Court, if there be time. No cauſe to be put off but on affidavit. Court may adjourn from day to day, if the buſineſs require it. An office to be kept open by the Clerk, for the hours the Juſtices ſhall appoint. The Seſſions to examine, every quarter, the proceedings of the Court, and to ſee that the ſame are kept regular.

Sec. 7: No. 17.

Appeal given to Inferior Court, and executions ſuſpended on ſecurity; liſt of appeals to be returned to Inferior Court, and a day ſhall be appointed to hear them; cauſes to be re-tried on the evidence, certified by the Clerk; if appeal appear to be without foundation, coſt, not exceeding thirty ſhillings, to be given; but, if otherwiſe, no coſt to be paid by appellant; no certiorari, or other writ, to ſet aſide ſuch final judgment to be allowed.

Sec. 8: No. 18.

No Juſtice, within the peninſula, finally to commit to Goal, or Houſe of Correction, any criminal offender, but ſhall order him, when apprehended, to be carried to the Rotation Court, if ſitting, but if not, then ſuch Juſtice may commit for further examination before ſuch Court; the keeper ſhall give notice to the Clerk of ſuch commitment, who ſhall immediately aſſemble the Court, and notify the Juſtice who made the commitment to attend, when the whole examinations ſhall be correctly taken by the Clerk, in writing, and ſigned by the Juſtices, who ſhall finally commit, or diſcharge, the priſoner, and return the examinations to the proper Court.

Sec. 9, 10, 11: No. 19.

The Court allowed to take the ſame fees as a ſingle Juſtice, which are to be received by the Clerk, who ſhall account, on oath, for the ſame, quarterly, to the Seſſions, out of which the Juſtices, the Clerk, and all other neceſſary charges are to be paid. Two Juſtices muſt conſent to every judgment, two of whom may hold the Court; the proceſs to extend throughout the County. The duration of the Act limited.

P. 450. Stat. 41ſt, Geo. 3d. Cap. 15, Sec. 1, 2, 3: No. 20.

The Act for the ſummary trial of actions before Juſtices of the Peace, in the Town and Peninſula of Halifax, revived; the Seſſions to appoint the Clerk for ſuch Juſtices Court; and, from time to time, to regulate the liſt of Juſtices, who ſhall ſerve in rotation therein, and ſhall likewiſe appoint Conſtables to attend ſuch Court, and take all other meaſures neceſſary for the opening of ſuch Court, and regulate the office of the Clerk; the ſummary juriſdiction of Juſtices in civil cauſes, within the Town and Peninſula of Halifax, taken away, and veſted in the Juſtices Rotation Court.

Sec. 4, 5, 6: No. 21.

In caſe of fire, or other diſturbance, the Rotation Court ſhall meet, and continue ſitting while occaſion ſhall require it. A Special Court ſhall be ſummoned by the Clerk, when one Juſtice ſhall require it. And in caſe one or more of the Juſtices, whoſe turn it ſhall be, ſhall be prevented, by any cauſe, from attending, the Clerk ſhall ſummon the next in rotation. The duration of the Act limited.

P. 473. Stat. 43d, Geo. 3d. Cap. 13, Sec. 1, 2, 3, 4: No. 22.

Continues the former Act for a year, and directs all Juſtices within the peninſula of Halifax, who may commit a criminal offender, to give immediate notice thereof to the Clerk of the Rotation Court: the Clerk to receive a fixed ſalary, and not fees. The Fees of the Rotation Court regulated, and Juſtices, or their Clerk, made liable to proſecution if they take any greater fee.

TITLE 94.

Supreme Court.

P. 149. Stat. 8th and 9th, Geo. 3d. Cap. 5, Sec. 1: No. 1.

Eſtabliſhes four Terms for holding the Supreme Court, and confirms its proceedings in ſaid Terms.

P.

P. 151. Stat. 8th and 9th, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 2.

Juſtices, in Counties on the ſea coaſt, or which have no communication by land with Halifax, may commit felons to the jail at Halifax, and bind witneſſes to appear at Supreme Court there : which Court may try ſuch felons, the ſame as if the offence was committed in the County of Halifax.

P. 188. Stat. 14th and 15th, Geo. 3d. Cap. 6th, Sec. 1, 2, 3 : No. 3.

Supreme Court, in future, to be held at Halifax, Horton, Annapolis, and Cumberland. The Terms at Halifax, to laſt fourteen days, and in caſe of neceſſity, Judges to extend the ſame ſix days ; in the Country the Terms not to exceed five days ; proceedings to be the ſame as at Halifax ; and the laws reſpecting jurors to extend to Courts in the Country. Two Judges of the Court ſufficient to do buſineſs.

Executions iſſued from the Supreme Court, for Cumberland County, to be returnable in ſixty days. [See Inferior Court, No. 3.]

P. 219. Stat. 20th, Geo. 3d. Cap. 1, Sec. 1 : No. 4.

Supreme Court to ſet in Halifax the 1ſt Tueſday of April, and ſecond Tueſdays of July and October.

P. 274. Stat. 29th, Geo. 3d. Cap. 12, Sec. 1. 2 : No. 5.

The Puiſne Judges of the Supreme Court, while in office, and reſident in the Province, to be each paid 400l. a year, and to be removable at His Majeſty's pleaſure, or on the joint addreſs of the Council and Aſſembly.

P. 329. Stat. 33d, Geo. 3d. Cap. 18, Sec. 1, 2, 3 : No. 6.

Supreme Court, at Halifax, may continue its terms as long as it may think fit, and the Petit Jury ſhall attend, and it may make as many return days each term as it ſhall deem neceſſary : the duration of this Act was limited to the end of next Seſſion.

P. 339. Stat. 34th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 7.

The Governor to appoint a Court of Niſi Prius to try all cauſes at iſſue in the Supreme Court, which by law ſhould be tried in the Counties of Sydney, Lunenburg, Queen's County, and Shelburne : ſuch Court to have the ſame power as in England, and to be reimburſed all extraordinary expences incurred ; the Governor, if it is war time, with the advice of Council, may delay the iſſuing a Commiſſion, if it ſhall appear unſafe ; the Governor to appoint the time for the Court to ſit, between 1ſt of April and 1ſt of October, of which reaſonable notice ſhall be given in the Gazette.

Sec. 3, 4, 5, 6, 7, 8, 9 : No. 8.

Plaintiff, when the day is appointed, ſhall iſſue a venire to the Sheriff to ſummon thirty-ſix Jurors, who ſhall be drawn, according to law, in preſence of a Judge of the Inferior Court, the Sheriff, and the Prothonotary, or Clerk, of the Inferior Court of the County ; if the Judge, at Niſi Prius, be unable to arrive at the day, the Sheriff is to reſpite the Jury, and all others, attending from day to day, until the Judge ſhall arrive ; the Chief Juſtice to appoint the Clerks of Niſi Prius, who may ſign and ſeal all proceſs returnable at the Supreme Court, or in Court of Niſi Prius, and may take affidavits, and indorſe writs for bail ; and the Supreme Court may make regulations for the Niſi Prius Court. Chief Juſtice to appoint Commiſſioners to take affidavits throughout the Province, and the Supreme Court may tax againſt him, who ſhall have a verdict againſt him, a Counſel Fee, not to exceed 5l. This Act to continue three years.

P. 367. Stat. 36th, Geo. 3d. Cap. 3, Sec. 1 : No. 9.

Supreme Court, at Halifax, to commence a Term on the ſecond Tueſday of every January : ſuch Term not to exceed fourteen days ; Jurors not bound to attend at that Term, unleſs ſummoned by order of a Judge.

P. 406. Stat. 39th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 10.

Circuit Court to be held only once a year, at Windſor, on the third Thurſday in September ; at Horton, the Monday following ; and, at Annapolis, the Monday next after the Court at Horton. Supreme Court to grant new trials in cauſes removed from Inferior Courts, if moved for within a year. Party applying muſt put in ſpecial bail.

Sec. 3 : No. 11.

Executions from the Circuit Court to be returnable in 60 days.

Sec. 4 : No. 12.

Cauſes to be removed, in any ſtage, on application of parties, from the Inferior Court to the Supreme Court, upon ſpecial bail being filed.

Sec. 5 : No. 13.

Circuit Court, at Amherſt, to be held on the firſt Tueſday of June.

P. 456. Stat. 42d, Geo. 3d. Cap. 1, Sec. 1, 2, 3 : No. 14.

Supreme Court to be held, at Truro, the Thurſday before the 1ſt of June, to ſit only three days. In the abſence of the Chief Juſtice, the Court at Truro, and at Amherſt, may be held by an Aſſiſtant Judge, aſſociated with one or more perſons appointed by the Governor ; the Court may, after its firſt ſitting, change the place, conformable to the preſentment of the Grand Jury.

P. 172.

P. 184.

TITLE 95.

Surveyors of Land.

P. 193.

P. 318. Stat. 33d, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 1.

Deputy Surveyors, if there is no Juſtice within two miles of the place to be ſurveyed, may adminiſter the proper oath to the Chainmen. Juſtice to have no fee for ſwearing Chainman.

P. 321.

TITLE 96.

Temporary Laws.

P. 478. Stat. 44th, Geo. 3d. Cap. 3, Sec. 1 : No. 1.

Continues, to 31ſt December, 1805, the Act for ſummary trials, and the Act reſpecting proceſs iſſued by Juſtices of the Peace; the Act for preventing nuiſances in rivers; an Act for regulating the times for holding Courts, and returning writs; an Act to prohibit the export of warlike ſtores; an Act for eſtabliſhing Courts of Niſi Prius; an Act for the inſpection of ſalted beef and pork; an Act to regulate bread; an Act for ſinking wells; an Alien Act; an Act for inſpecting red herrings; an Act reſpecting Sheriffs; an Act reſpecting County Rates; an Act reſpecting Cord Wood; two Acts reſpecting Markets; alſo, an Act reſpecting ſummary trials at Halifax.

P. 1.

TITLE 97.

Thiſtles.

P. 285. Stat. 31ſt, Geo. 3d. Cap. 6, Sec. 1, 2, 3, 4: No. 1.

Juſtices, at the Spring Seſſions, to make, and publiſh, regulations to prevent the growth of Thiſtles in the ſeveral Counties, and to appoint Inſpectors to ſee ſuch regulations carried into effect: Inſpectors refuſing to ſerve, or neglecting their duty, to forfeit 3l. and perſons diſobeying regulations to pay, for each offence, forty ſhillings. Penalties to be recovered at Seſſions, and levied by diſtreſs; half to go to the informer, and half to the roads.

Sec. 5, 6 : No. 2.

When the Seſſions ſhall not meet until the fall, a Special Seſſions may be held for the foregoing purpoſe. This Act to be read every year, after ſwearing the Grand Jury at the Seſſions.

Timber.

P. 172. Stat. 12th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 1.

Timber, hewed for the Britiſh Market, to be found, properly ſquared, not leſs than ten inches ſquare, and free from bark; none other to be ſurveyed for the Britiſh Market; and no trader ſhall be obliged to receive any other for that market, unleſs by particular agreement.

P. 184. Stat. 14th and 15th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 2.

Perſons injuring or cutting maſts, or timber of any kind, without licence, on the King's reſerved and ungranted lands, ſhall forfeit not leſs than 100l. to be recovered in a Court of Record, half to the King and half to the informer; and, if unable to pay the fine, to ſuffer ſix months impriſonment.

Sec. 3 : No. 3.

Perſons wilfully deſtroying, by fire, the timber on ſuch lands, to ſuffer as a felon.

Sec. 4 : No. 4.

Not to extend to the cutting firewood, or underwood, ſuch as uſed in the fiſhery, within half a mile of the ſea ſhore.

P. 193. Stat. 15th, Geo. 3d. Cap. 1, Sec. 1 : No. 5.

Perſons inhabiting the iſland of Cape-Breton, and ſuch as are employed in the fiſhery, may cut, off reſerved lands, fuel and materials for the fiſhery.

P. 321. Stat. 33d, Geo. 3d. Cap. 11, Sec. 1, 2, : No. 6.

Timber, for exportation to Europe, ſhall be true lined, well ſquared: no appearance of the ſcoring to be left; the butts to be ſquare; not more than one inch wein thereon; and to be free from rots, ſplits, or worm-holes; if under ſixteen feet both ends to be the ſame dimenſions. No pine, or ſpruce, to be leſs than twelve feet; nor hardwood leſs than four. Surveyor certifying timber, as merchantable, which does not anſwer the deſcription of this Act, to forfeit not more than 10l. for each offence: to be recovered in a Court of Record. Surveyor to be allowed two-pence per ton, with reaſonable travelling charges.

TITLE 99.

Titles to Land.

P. 1. Stat. 32d, Geo. 2d. Cap. 2, Sec. 1 : No. 1.

Perſons claiming lands, by virtue of grants or deeds entered in the public regiſtry, or by virtue of any laſt will, whether in their own right, or right of another, to hold and enjoy the ſame: any want of form in ſuch grants, deeds, or wills; and all poſſeſſions by virtue thereof confirmed.

Sec. 2 : No. 2.

No papiſt to hold any lands, except by grant from the Crown. All deeds, or wills, conveying lands to a papiſt, or in truſt for a papiſt, to be null and void; ſuch lands not to revert to the grantor; but, on conviction of ſuch papiſt, to revert to the Crown.

Sec. 3 : No. 3.

Before any grant, or deed, be regiſtered, except grants from the Crown, the perſon to whom the ſame ſhall be made, ſhall take and ſubſcribe the State Oaths before the Regiſter, or his deputy; and the deed or deeds to the perſon who ſhall refuſe to take ſuch oaths, to be void.

Sec. 4 : No. 4.

Sales made of lands by Provoſt Marſhal, to ſatisfy judgments, confirmed.

Sec. 5 : No. 5.

Provided that perſons, or their heirs, whoſe lands have been ſold, may, within twelve months from the ſecond of October, 1758, redeem, on payment of principal, intereſt, and coſt, and for all improvements made thereon; and may have action of account againſt the creditor, at whoſe ſuit the ſame were ſold. The purchaſers of ſuch lands made accountable for wilful waſte. Writ of execution to iſſue to put the party in poſſeſſion, on payment of the balance which ſhall be adjudged due on ſuch action of account; and if the balance of ſuch account ſhall be in favour of the perſon ſuing, execution may be awarded him for the amount thereof.

Sec. 6, 7, 8 : No. 6

Provided that debtors may, in twelve months from ſecond of October, 1758, recover their lands, if ſold by execution, from the purchaſer, on paying him what he really paid for the ſame, with intereſt, and alſo paying for neceſſary repairs or alterations, and may likewiſe have action of account againſt their creditors. Deeds made by purchaſers, within one year from the ſecond of October, 1758, for a larger ſum than ſuch purchaſer paid for ſuch lands, to be void.

Sec. 9 : No. 7.

No ſales of land hereafter to be made by Provoſt Marſhal, by virtue of writs of execution.

Sec. 10 : No. 8.

Nothing in this Act to bar the titles of *feme covert*, perſons inſane, or in captivity, if they ſue within one year after impediment removed.

Sec. 11, 12, 13 : No. 9.

The Reſolutions of the Governor and Council, touching the regiſtry of deeds, and all proceedings had agreeable thereto, confirmed, and all deeds, in future, to be regiſtered at full length, on the oath of one witneſs, without any other ceremony or form heretofore uſed; and, on proof of the loſs of a deed being made in Court, the regiſtry thereof to be admitted as good evidence of ſuch deed.

N. B. For further particulars, ſee Reſolutions of Governor and Council, Title 81, No. 2, to 10, incluſive.

P. 44. Stat. 33d, Geo. 2d, Cap. 3, Sec. 1, 2 : No. 10.

The former French inhabitants of this Province, and all perſons deriving title to land under them, are forever barred from any action to recover the ſame.

P. 57. Stat. 34th, Geo. 2d. Cap. 4, Sec. 1 : No. 11.

Regiſtrar to record deeds executed in Great-Britain, or Ireland, or in any of His Majeſty's Colonies, if the execution be acknowledged by the grantor, or proved, on oath, by one of the ſubſcribing witneſſes, before one of His Majeſty's Juſtices of the Peace of the place, and by him atteſted, which atteſtation, if made in the Colonies, muſt be authenticated by the Governor, or a Notary; and, if in Britain, or Ireland, under the ſeal of ſome corporation, or Notary, certifying the perſon to be a Juſtice, and that credit is due to his atteſtation.

P. 60. Stat. 34th, Geo. 2d. Cap. 8, Sec. 1, 2 : No. 12.

Where grantees of land on the peninſula of Halifax are abſent from the Province, or have lived thereon ſeven years without improving the ſame; likewiſe where any grantees of land are dead, and no perſon appears in their right to claim the ſame, an inqueſt of office may be taken thereupon by the Commiſſioner, and upon ſuch inqueſt being returned into Chancery, the Governor may re-grant the ſame land, and perſons may traverſe ſuch inqueſt within twelve months; and if not done within that time, the ſecond grant to be abſolute.

Sec, 3 : No. 12.

Every perſon claiming, by virtue of the regiſtry of a lot of land, granted to him ſimply, as a lot without any formal conveyance, under the ſeal of the Province, ſhall have a title thereto in fee ſimple, notwithſtanding the want of form, (except perſons abſent, or neglecting to improve.)

P. 66. Stat. 1ſt. Geo. 3d. Cap. 3, Sec. 1 : No. 13.

Minors, *feme covert*, perſons inſane, impriſoned, or abſent from the Province, may ſue, within five years, after impediment removed.

P. 115. Stat. 5th, Geo. 3d. Cap. 8, Sec. 1 : No. 14.

Regiſter to receive 2s. for regiſtering a deed that does not exceed two hundred words, and one ſhilling for every hundred words over two hundred; one ſhilling for the ſame number of words in an office copy, and for a certificate one ſhilling, and the ſame for a ſearch.

P. 130. Stat. 7th and 8th, Geo. 3d. Cap. 2, Sec. 1 : No. 15.

On petition from one or more inhabitants, praying a diviſion of their lands, the Supreme Court may order a writ of partition to iſſue to the Provoſt Marſhal, who muſt execute it in preſence of two Juſtices, and muſt firſt aſſign to each proprietor the lands by him improved, and occupied; and the unimproved land muſt be divided into ſhares, according to the number of proprietors, and drawn for in preſence of a jury; of all which due return muſt be made to the Court, that judgment may be given thereon. Forty days notice to be given before execution of the writ. Judgment by default to be entered againſt thoſe who neglect to appear after notice, who may, within fifteen days after, apply to the Court to ſet the partition aſide; otherwiſe, final judgment to be given. If any inequality in the partition be made appear, the Court may, notwithſtanding the return, order a ſecond partition, which ſhall be final againſt all perſons, but ſuch as are under legal diſability, who may apply to ſet partition aſide, within one year after the determination of ſuch diſability. Perſons abſent, entitled to three weeks notice in the newſpaper; and they may, within a year after, apply to ſet partition aſide, and if another partition be ordered, and made, the ſame ſhall be final. Perſons who have improved lands, given them under firſt partition, ſhall not be diveſted thereof by ſecond partition, but an allowance ſhall be made to the others on account thereof out of the unimproved lands.

Sec.

P. 141. P. 152. P. 167. P. 173. P. 178. P. 272. P. 283. P. 287.

Sec. 2, 3 : No. 16.

No plea in abatement allowed ; and on all appeals diſmiſſed, coſts ſhall be awarded againſt the party making the ſame. This Act not to prejudice His Majeſty's right to quit rents.

P. 141. Stat. 8th, Geo. 3d. Cap. 8, Sec. 1 : No. 17.

Heir neglecting, one month after demand, to ſet out dower, the widow may ſue for the ſame, and this Section gives the form of the writ.

Sec. 2 : No. 18.

Widow ſhall recover damages from the time of demand ; and, on obtaining judgment, ſhall have a Writ of Seiſin, the form of which is given in this clauſe ; and, where no damages are recovered, the writ ſhall run only for Seiſin and coſt of ſuit.

Sec. 3, 4 : No. 19.

Sheriff to ſet off dower by the opinion of three, at leaſt, out of five freeholders, who ſhall be ſworn for that purpoſe by a Juſtice ; and if the inheritance be ſuch that the widow cannot be endowed of the thing itſelf, ſhe ſhall have a third of the iſſues and profits, to be computed as aforeſaid ; widow not to commit waſte, but to keep premiſes in good repair, and leave the ſame ſo at the end of the term.

P. 152. Stat. 8th and 9th, Geo. 3d. Cap. 10, Sec. 1 : No. 20.

Jury, to make partition, need not go on the lands to be divided, but may proceed to make ſuch partition in any place within the County.

P. 167. Stat. 11th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 21.

A wife, party with her huſband to a deed for the ſale of lands, ſhall not be, thereby, barred from her dower, unleſs ſhe be examined by a Juſtice, and he certify that ſhe had freely executed the deed, and aſſigned her dower. This Act not to affect any deed prior thereto.

P. 173. Stat. 12th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 22.

Regiſtrar ſhall appoint deputies, to be approved of by the Governor, in the different counties, and regiſters made by ſuch deputies within the limits, to be valid ; and if the original deed be proved to be loſt, then the regiſtry to be good evidence ; where deputies are appointed, deeds ſhall be regiſtered in the county or diſtrict where the lands lie.

Sec. 3, 4 : No. 23.

Deputies to certify and tranſmit to the Regiſtrar at Halifax, every three months, an extract of all deeds by them regiſtered, and he ſhall enter the ſame in the regiſtry at Halifax, with a note of the time when received, which ſhall be as effectual for thoſe already regiſtered, or hereafter to be regiſtered, by ſuch deputies, as if the ſame had been made by the Regiſtrar himſelf. Deputies neglecting, to forfeit, 5l. and pay all damages to party injured. Entry of the certificates of the regiſtry of deeds, by deputies, before this Act, if entered in the regiſtry at Halifax before the firſt of November, to be valid, but not to affect the attachment of lands, or judgments recovered.

P. 178. Stat. 13th and 14th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 24.

All accounts of expences for executing a writ of partition to be laid before the Supreme Court, which ſhall appoint perſons to aſſeſs the ſame, the rate, when made, to be levied, on profits of the lands, or goods and chattels, of perſons in poſſeſſion, and ſhall be paid to the perſons appointed by the ſaid Court : one Juſtice, on complaint, may iſſue a warrant to diſtrain for the ſame.

Sec. 3 : No. 25.

If no property be found to levy the rate on, one Juſtice may let the lands ; and, if no perſon appear to hire the ſame, the lands ſhall be held chargeable therewith.

P. 272. Stat. 29th, Geo. 3d. Cap. 9, Sec. 1 : No. 26.

Deeds to be immediately regiſtered, after execution, in the town or diſtrict where the lands lie ; and if there is no Regiſtry therein, then in the Regiſtrar's office neareſt the lands within the county. Deeds made after the 1ſt day of June, 1789, to be void, as againſt a ſubſequent purchaſer, or mortgagee, unleſs regiſtered prior to the deed of the laſt purchaſer.

P. 283. Stat. 31ſt, Geo. 3d. Cap. 1, Sec. 1 : No. 27.

Supreme Court, having taken reaſonable means to notify abſent proprietors of the demands againſt their lands for making partition, may, on their refuſal to pay the ſame, and on the partition of the Collector, order the Sheriff to ſell at Auction ſo much of the abſent proprietor's land as will pay the charge, and ſuch ſale to be valid to the purchaſer.

P. 287. Stat. 31ſt, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 28.

Eſtates held in joint tenancy not to go to the ſurvivor, but to deſcend to the right heirs ; joint tenants, or tenants in Common, who have divided by plan, or ſurvey, ſhall be bound thereby, as if diviſion had been made by deed, or by writ of partition.

Sec. 3 : No. 29.

Perſons wilfully removing, or deſtroying, land marks, or bounds, ſhall, on conviction in a Court of Record, be fined, impriſoned, or whipped, at the diſcretion of the Court.

Sec.

Sec. 4: No. 30.

Grants made under the Great Seal of the Province, in the name of the Governor, purporting to be grants in fee ſimple, to be good, notwithſtanding defect in form, or words, and although His Majeſty's name be not mentioned therein; provided, at the time of making ſuch grant, the lands veſted in His Majeſty by inqueſt of office, or otherwiſe; no conſtruction to prevail to extend the limits of the grant beyond the true intent thereof.

P. 332. Stat. 34th, Geo. 3d. Cap. 3, Sec. 1, 2, 3: No. 31.

Deeds heretofore voluntarily executed by married women, jointly with their huſbands, conveying the eſtate of the wife, are declared valid; and all ſuch deeds hereafter executed, if acknowledged before a Judge of the Supreme Court, or a Juſtice of the Inferior Court of the County, are alſo made valid: and if the *feme covert* reſide out of the Province the deed muſt be acknowledged before a Judge of a Court of Record.

P. 387. Stat. 37th, Geo. 3d. Cap. 4, Sec. 1: No. 32.

Co-partners, joint tenants, and tenants in common, whether holding in townſhips, or otherwiſe, entitled to the benefit of the Act paſſed in the 7th year of His Majeſty's reign.

P. 461. Stat. 42d, Geo. 3d, Cap. 7, Sec. 1: No. 33.

Truſtees authoriſed to convey a part of the Government South Farm, for military uſes.

TITLE 100.

Town Officers.

P. 106. Stat. 5th, Geo. 3d. Cap. 1, Sec. 1: No. 1.

Grand Jury, and the Court of Seſſions, to appoint, in the form directed by this Statute, five perſons to be Surveyors of Lines, who have power to aſcertain the lines and bounds of the townſhip, and ſhall alſo act as Overſeers of the Poor; ſhall, likewiſe, appoint one to be Town Clerk; two, or more, Conſtables; two Surveyors of Highways; alſo, to nominate two Fence Viewers; one Clerk of the Market; a ſufficient number of Pound-Keepers, and Cullers of Fiſh; two Surveyors of Lumber and Cord Wood; one Sealer of Leather; two Guagers of Caſks; and two Hogreaves: all of theſe Officers to be ſworn, and to forfeit, to the poor, 40s. for every refuſal to ſerve, neglect, &c. to be levied, by diſtreſs, or warrant of two Juſtices. In caſe of vacancy two Juſtices ſhall fill the ſame with a proper perſon, to ſerve until the Seſſions ſhall appoint.

Sec. 2: No. 2.

This Act not to extend to Corporation Towns.

Sec. 3, 4, 5, 6: No. 3.

Boundary lines, between townſhips, to be marked once in three years, on the firſt Monday of March, ſix days previous notice to be given to the adjoining Townſhips to appoint perſons to attend, and perſons appointed refuſing to attend, forfeit 40s. to the poor, ſuch neglect of attendance not to prevent the other Surveyors from marking the line. Proprietors of unfenced land, or land lying in a common field, ſhall, once in two years, on due notice from the next proprietor, run their lines, and ſet up their bounds, under penalty of 20s. half to the poor, and half to the perſon complaining; common fields to be improved according to the opinion of the major part, according to their reſpective intereſts; and perſons refuſing to make their proportion of common fence, to pay double coſts and charges. Fence Viewer to be paid 3s. per day for his trouble. Perſons tranſgreſſing the regulations of common fields, ſhall forfeit 10s. to the poor, and pay all damages. All horſes, cattle, ſheep or ſwine, that run in common, to be marked; proprietors to record their mark with the Town Clerk.

P.

P. 140. Stat. 8th, Geo. 3d. Cap. 6, Sec. 1 : No. 4.

Grand Jury, in future, to return the names of eight perſons as Surveyors of Highways, and the Seſſions to nominate two, or more, of them to ſerve as occaſion may require.

P. 204. Stat. 17th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 5.

Grand Jury ſhall return ſix Aſſeſſors, out of whom the Court of Seſſions ſhall nominate three to ſerve ; four Collectors, two of whom the Court ſhall appoint, to do the duty ; four Surveyors, and Weighers, of hay, out of whom two ſhall be choſen by the Court, who are to be duly ſworn, and ſhall do their duty agreeably to the Statutes now in force ; Surveyors of hay to be paid a penny per hundred, and four pence for every mile's travel over one.

P. 291. Stat. 32d, Geo. 3d. Cap. 4, Sec. 1, 2, 3, 4, 5, 6, 7 : No. 6.

Two fit perſons to be appointed in each Townſhip, to meaſure grain, ſalt, coals, and lime, and to inſpect bricks. The weight of each kind of grain eſtabliſhed ; the ſize of bricks regulated ; the mode of weighing and inſpecting ſettled, and the rates to be paid for the ſame.

P. 406. Stat. 39th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 7.

Town officers, and town regulations, to be appointed and made at the October Court in Horton, inſtead of the firſt Court in the year ; thoſe now appointed to continue until others ſhall be appointed.

TITLE 101.

Treaſons and Felonies.

P. 15. Stat. 32d, Geo. 2d. Cap. 13, Sec. 1 : No. 1.

To compaſs the death of the King, levy war againſt him, adhere to, aid or comfort, the King's enemies ; to counterfeit the King's money, his Great or Privy Seal, or the Seal of this Province ; and all treaſons declared by Act of Parliament in England, ſhall be deemed treaſon in this Province ; and all Britiſh Acts reſpecting treaſons and traitors, and the proceedings and evidence againſt them, to be in force in this Province.

Sec. 2 : No. 2.

Murder, alſo lying in wait, and maiming a perſon, is to be puniſhed with death, without benefit of clergy, and alſo acceſſaries thereto puniſhed in like manner ; attainder of ſuch felony not to work corruption of blood, or loſs of dower, lands or goods.

Sec. 3 : No. 3.

Stabbing a perſon who has no weapon drawn, or who had not ſtruck the party ; if death is the conſequence within ſix months, ſhall be puniſhed with death, although malice cannot be proved.

Sec. 4 : No. 4.

Manſlaughter, by a perſon in his own defence, or by misfortune, or by chance in keeping the peace, or in chaſtizing a child, or ſervant, or in any other manner than ſpecified in the two foregoing ſections, not to be puniſhed capitally.

Sec. 5 : No. 5.

A woman delivered of a baſtard child, who ſhall conceal the ſame, ſo as that it cannot be aſcertained whether ſuch child was born dead or alive, ſhall ſuffer as for murder, unleſs ſhe can make proof by one witneſs that the child was born dead.

Sec. 6 : No. 6.

Buggery, with man or beaſt, felony, without benefit of clergy ; proceſs to be the ſame as in caſes of felony at common law ; and aſſaults, with an intent to commit buggery, to be puniſhed with the pillory, fine, and impriſonment, with ſureties for good behavior at the diſcretion of the Court.

Sec. 7, 8 : No. 7.

Rape, or raviſhment, of a woman, or infant, above the age of 12 years, if complaint be made to a Juſtice

tice of the Peace, within ten days, to be punished as a felony without benefit of clergy. To have carnal knowledge of a female child under 12 years of age, with or without consent, to be punished as last mentioned. Every violent assault, with intent to ravish, to be punished with pillory, fine and imprisonment, with sureties for good behaviour, at the discretion of the Court.

Sec. 9, 10, 11, 12, 13: No. 8.

Breaking and entering, in the night, a dwelling house, or vessel, lying within the County, with intent to commit a felony, though the intent be not executed; robbing a dwelling house, in the day-time, a person being therein: breaking, in the day-time, a dwelling house, shop, or warehouse, thereto belonging, and taking out thereof goods, or money, of the value of 5s. though no person therein; robbing another, or feloniously taking away any goods in a dwelling house, and putting any person, therein, in fear; putting a person, by night or day, in fear, and robbing his person, on the highway; or privily stealing from the person of another: all such offences, and the accessaries thereto, to be punished as felons, without benefit of Clergy.

Sec. 14: No. 9.

Robbing, or stealing, bills, bonds, notes or warrants, for payment of money, to be considered the same as if goods had been stolen to the value of the money secured thereby, and remaining unpaid.

Sec. 15: No. 10.

Provided the attainder of any such offence, so made felony, shall not work corruption of blood, loss of dower, or disherison of heirs.

Sec. 16: No. 11.

Receivers of stolen goods, knowing them to be stolen, to be punished as accessaries to the felony, after the fact; and it is lawful, though the principal be not convicted, to prosecute, and punish, such accessaries, as for a misdemeanor, by fine and imprisonment: but if so punished for a misdemeanor, not to be liable again to be prosecuted as an accessary, if the principal should be afterwards convicted.

Sec. 17: No. 12.

Embezzling goods, or furniture, the use of which has been let with lodgings, to be punished as larceny.

Sec 18, 19: No. 13.

Servant going away with money or goods, trusted to his care by his master or mistress; or, while in service, fraudulently embezzling, or converting the same to his or her use, being of the value of 40s. shall suffer death, but if such servant be an apprentice, within fifteen years of age, he shall be allowed benefit of Clergy.

Sec. 20: No. 14.

Persons maliciously burning a dwelling, or out house, of another, or any public building, or the stack, cock, rick or mow, of corn, straw, hay or wood, of another, such persons, with their accessaries, to suffer death.

Sec. 21: No. 15.

Maliciously shooting at a person in a dwelling house, or elsewhere; or sending an anonymous letter demanding money, or other valuable article, shall be punished with death.

Sec. 22: No. 16.

Stealing money, or goods, in any other manner than is specified in the foregoing sections, or embezzling any of His Majesty's stores, or the utensils, furniture or cloathing, in any store-house or hospital of His Majesty, if of the value of 20s. or more, to be punished as larceny; and if the property stolen be less than 20s. then to be punished, as petit larceny, by public whipping, and, if the Court order offender to make restitution, and he refuse, then he is to be committed to the house of correction to hard labour for a term not exceeding three months.

Sec. 23, 24, 25: No. 17.

All property found in possession of a robber, burglar or thief, shall be delivered by the Justice taking examinations, to the Provost Marshal, his deputy, or constable of the town, who shall keep the same until conviction of offender: Judge may order restitution to the owner if he demand the same, or, otherwise, to be forfeited; and, if the Jury acquit the party, and declare the property to belong to prosecutor, the Judge may order the same restored: such delivery not to bar the person acquitted, or any other person claiming right thereto, from their action for such property.

Sec. 26: No. 18.

The principal being allowed his clergy shall not prevent the accessaries from being tried.

Sec. 27, 28, 29, 30: No 19.

Clergy to be allowed but once to the same person, the same to be allowed without the offender being required to read. Every person convicted of manslaughter to be marked with an M. on the brawn of the left thumb, and with a T. for any other kind of felony; marks to be made by the Goaler in open Court; after allowance of clergy offender to be discharged, unless the Court, for further correction, order him to be publicly whipped, or order him to be imprisoned, or sent to the House of Correction, for a convenient time, not to exceed one year; a woman to be allowed her clergy, and punished in all respects as a man; the Clerk to certify, at the request of any in His Majesty's behalf, the tenor of the indictment and conviction on which clergy shall have been allowed, which, upon the trial of the same person for another offence, shall be sufficient proof, the same as the record that such person had the benefit of clergy before allowed.

Sec. 31, 32, 33, 34: No. 20.

Persons standing mute when charged in Court with a felony, where the benefit of clergy is not allowed, or peremptorily challenging above twenty of the jury, shall be excluded the benefit of clergy, and judgment and execution of such persons shall be awarded as on conviction by verdict, or confession; and if the felony be such as allows the benefit,

nefit of clergy, then, and in such case, the Court is to proceed against such persons as if convicted of a clergyable offence by verdict, or confession. No person to be allowed the benefit of clergy more than once, and persons allowed their clergy shall, nevertheless, answer to all other felonies committed before such allowance, whereupon clergy is not allowable.

Sec. 35: No. 21.

Witness for prisoner to be sworn the same as those for the King; and, if convicted of wilful perjury, to be punished according to law.

Sec. 36, 37: No. 22.

All criminal prosecutions, whether at common law or by virtue of this Act, to be according to the usage, practice, and laws, of England; and all proceedings respecting felonies, or misdemeanors, prior to this Act, are confirmed, with a saving to all persons of any advantage they may have in law, in any proceeding actually pending at the time of passing this Act.

P. 61. Stat. 34th, Geo. 3d. Cap. 9, Sec. 1: No. 23.

Capital offenders challenging peremptorily more than twenty jurors, such challenge shall be over-ruled, and the jurors sworn for trial. (See No. 20 under this head.)

P. 135. Stat. 8th, Geo. 3d. Cap. 3, Sec. 1: No. 24.

When a person murdered, dies in a County different from the one in which he received the injury, the murderer may be tried in the County where the person died; the same as if the injury and death had both happened within the same County; and an appeal of murder, when made within the year and day, as well against the principal as the accessary, may, in like manner, be tried in the County where the death shall happen.

Sec. 2: No. 25.

When there shall be an accessary in one County, to a murder, or felony, committed in another, such accessary may be tried in the County where the accessary act was committed; the same as if the principal offence had been done within the same County.

Sec. 3: No. 26.

It shall be petit treason for a woman to murder her husband; or, a servant, his or her master; and they and all aiders, abettors, and persons privy thereto, shall suffer death.

Sec. 4: No. 27.

Explains the provisionary clause in the 2d Sec. of 32d Geo. 2d. Cap. 13, which provisionary clause is declared to extend only to the felony of maiming.

Sec. 5: No. 28.

Justices shall take the information against murderers or felons, as well as the prisoners' examinations, in writing, and shall bind the witnesses against the prisoner by recognizance; and all informations, examinations, recognizances, or obligations, so by them taken, shall be returned to next Court.

P. 166. Stat. 11th, Geo. 3d. Cap. 3, Sec. 1: No. 29.

Any person personating another as bail, whereby he may become liable for any debt, or damage, shall suffer death as a felon.

P. 189. Stat. 14th and 15th, Geo. 3d. Cap. 7, Sec. 1: No. 30.

Persons convicted of petit larceny to be whipped, or imprisoned at hard labour, not to exceed three months.

Special Sessions to be held for trying offender, committed for petit larceny. See Inferior Court, No. 4.

Treſpaſſes.

P. 20. Stat. 32d, Geo. 2d. Cap. 14, Sec. 1 : No. 1.

All incloſed lands to be fenced with ſtone, pickets, boards, poſts, and rails, or logs, unleſs bounded by ponds, unfordable rivers, or the ſea ; all fences to be, at leaſt, four feet and a half high ; the owners of cattle, &c. to pay the damage done by them in fields, which, in the judgment of the Fence-Viewer, ſhall be incloſed as aforeſaid ; damage to be aſcertained by three credible perſons of the neighbourhood, ſworn before a Juſtice : if the owner refuſe to pay ſuch value on notice thereof, the ſame may be recovered by action before a Juſtice, or in the Inferior Court, according to the amount.

Sec. 2 : No. 2.

Boundary fences to be made and repaired equally by each proprietor ; and in caſe one proprietor ſhall refuſe to make, or repair, his ſhare after ten days notice, the Fence Viewer, on application, is to make, or repair, the ſame, and to charge the delinquent double the ſum expended, which, upon refuſal, may be recovered by action, as aforeſaid. No Fence Viewer to charge more than 3s. per day for his own time ; and, if he refuſes or neglects his duty, he ſhall pay, for every offence, forty ſhillings.

Sec. 3 : No. 3.

Hogreaves to impound ſwine found at large in the town, or ſuburbs, of Halifax, and to be paid 2s. 6d. for each head ſo impounded, and 3d. per day for ſupporting each head whilſt impounded ; if the owner refuſes to pay coſt and charges within three days after the ſame ſhall be publicly cried, the Hogreave to ſell ſuch ſwine at Public Auction, and pay the proceeds, after deducting all charges, to the owner.

Sec. 4 : No. 4.

Surveyors of Highways to have the care of the ſtreets of Halifax, and to preſent all nuiſances to the Seſſions, who are to proceed thereupon according to the laws of England. Surveyors to prevent all obſtructions and incumbrances in ſaid ſtreets.

Sec. 5 : No. 5.

Overſeers of the Poor, Clerks of Market, Fence Viewers, Hogreaves, and Surveyors of Highways, for Halifax, to be appointed by a Committee of the General Aſſembly ; ſuch officers to ſerve until the next Seſſion of the Supreme Court, when the Grand Jury ſhall appoint others to ſerve in their ſtead ; theſe officers to be duly ſworn, and to forfeit 40s. if they refuſe to ſerve, and others to be appointed in their ſtead.

P. 53. Stat. 33d, Geo. 2d. 2d Seſs. Cap. 14, Sec. 1, 2, 3 : No. 6.

Pound to be built in Halifax forty feet ſquare ; Grand Jury, at Supreme Court, to appoint a Keeper, and when a treſpaſs ſhall have been committed by any kind of cattle, the perſon injured may impound them until claimed ; Pound Keeper to have them cried if no owners appear, or if they refuſe to pay damage when aſcertained according to law, cattle may, in fourteen days after impounded, be publicly ſold, and the ſurplus, after deducting damages and charges, to be paid to owners, if any appear ; if not, to the Overſeers of the Poor of the Townſhip of Halifax. Keeper to charge, for ſupport of beaſts impounded, one ſhilling per day for each horſe, or head of horned cattle, and ſix pence a head for ſheep, goats, or ſwine, together with the charge of crying the ſame. If any perſon reſcue cattle driving to pound, to forfeit twenty ſhillings, over and above all damage, to be recovered by warrant of diſtreſs, on conviction before a Juſtice. Perſons guilty of pound breach to forfeit five pounds, on conviction before two Juſtices : both the aforeſaid penalties, after repairing the breach of the pound, to go to the poor of the town of Halifax.

Sec. 4, 5 : No. 7.

Not in force now, the repairs of the ſtreets being otherwiſe provided for.

Sec. 6 : No. 8.

Seſſions, in all other Counties, to make regulations to prevent cattle treſpaſſing.

P. 72. Stat. 1ſt, Geo. 3d. Cap. 10, Sec. 1, : No. 9.

Perſons tranſgreſſing the regulations of Seſſions for preventing treſpaſſes, ſubject to a fine not exceeding 40s. to be recovered before two Juſtices, or at the Seſſions.

P. 76. Stat. 1ſt, Geo. 3d. Cap. 15, Sec. 1 : No. 10.

Swine, or goats, going at large in the lanes, ſtreets or ſuburbs, of Halifax, to be forfeited, on proof before one Juſtice : one third of the value to the proſecutor ; and remainder to the poor.

P. 127. Stat. 7th, Geo. 3d. Cap. 8, Sec. 1 : No. 11.

Perſons removing, or deſtroying, fences, on conviction, in a Court of Record, to pay 10l. over and above the damages, half to His Majeſty, and half to proſecutor ; and, if unable to pay, to be kept at hard labour, or whipped.

Sec. 2 : No. 12.

Owners of horſes treſpaſſing on the peninſula of Halifax, over and above the damages, to pay ten ſhillings for each horſe, half to the poor and half to the proſecutor, to be recovered before a Juſtice ; if no owner appears, Juſtice, after ten days advertiſement, to ſell horſe, and pay coſts, damages and fine.

P. 145. Stat. 8th, Geo. 3d. Cap. 12, Sec. 1 : No. 12.

The lawfulneſs of a pole, or bruſh, fence, ſhall be ſubmitted to the judgment

judgment of the Fence Viewer; and, if there be a diſpute, it ſhall be immediately ſettled by two perſons choſen by the parties, one, or both, of whom, agreeing with the Fence Viewer, ſhall determine the ſame; if one party refuſe, or neglect, to nominate a perſon, the other party may proceed to ſuch choice.

P. 151. Stat. 8th and 9th, Geo. 3d. Cap. 7, Sec. 1 : No. 13.

Rivers, in which the tide flows eight feet, deemed a lawful fence.

P. 166. Stat. 11th, Geo. 3d. Cap. 5, Sec. 1 : No. 14.

Fences, on the peninſula of Halifax, of four feet high, ſhall be deemed a lawful fence.

Sec. 2 : No. 15.

Juſtices in Seſſions, for the County of Halifax, to make regulations reſpecting ſtray horſes, ſwine, ſheep, goats, and neat cattle, and to enforce the ſame by penalties, as in other Counties of this Province.

P. 206. Stat. 17th, Geo. 3d. Cap. 6, Sec. 1 : No. 16.

Any perſon who ſhall cut a tree, or underbruſh, within thirty feet, of that ſide of Sackville road, next the baſon, ſhall forfeit 40s. to be recovered before a Juſtice.

P. 223. Stat. 21ſt, Geo. 3d. Cap. 4, Sec. 1 : No. 17.

Where lands are under improvement, partition fences to be made, equally, by each proprietor; but where the line runs through wood, or barren land, proprietors ſhall not be compelled to join in making partition fences.

P. 240. Stat. 25th, Geo. 3d. Cap. 4, Sec. 1 : No. 18.

Where damage done by cattle does not exceed 3l. the ſame may be ſued for before a Juſtice.

Sec. 2 : No. 19.

In all ſuch caſes, if the cattle are impounded, the Juſtice may grant a replevin in the form in the Statute, on ſecurity being given; and may hear and determine the cauſe, and grant execution. Juſtice to have the ſame fees as in ſummary trials.

P. 272. Stat. 29th, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 19.

Any perſon, unleſs by leave of the owner, found within a fenced field, on the peninſula of Halifax, to forfeit 10s. to the proprietor, to be recovered before a Juſtice; party unable to pay to be ſent to Goal for twenty-four hours; and perſons cutting ſods from the Common of Halifax, to forfeit 20s. for each offence.

P. 420. Stat. 40th, Geo. 3d. Cap. 2, Sec. 1 : No. 20.

The water of rivers, creeks, &c. not a lawful fence, unleſs declared ſo by the Fence Viewers.

P. 421. Stat. 40th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 21.

Seſſions, at Halifax, to make regulations for the ſlaughtering cattle, and for preſerving the ſtreets clean, and free from incumbrance; and, after ſuch orders are publiſhed, offenders againſt the ſame liable to a penalty not exceeding forty ſhillings, to be recovered at the Seſſions, or before two Juſtices, and to go to repair the ſtreets.

Sec. 3 : No. 22.

Fines, for breach of the Acts for mending highways, to be applied for cleaning the ſtreets, and not to go to the poor.

TITLE 103-104.

Warlike Stores.

P. 194. Stat. 15th, Geo. 3d. Cap. 4, Sec. 1, 2, 3 : No. 1.

Governor, by Proclamation, to prohibit the export of warlike ſtores, (except for His Majeſty's ſervice) without licence firſt given ; and if laden for exportation, or carried coaſtways, the ſame ſhall be forfeited ; and the maſter of veſſel, or other perſon concerned, ſhall forfeit 50l. to be recovered in a Court of Record. Not to extend to a ſmall quantity of powder, or ſmall arms, for ſhip's uſe. Continued for a year, and ſince revived by 33d Geo. 3d.

P. 329. Stat. 33d, Geo. 3d. Cap. 18, Sec. 1 : No. 2.

The Statute of the 15th year of His preſent Majeſty's reign, Cap. 4, which had been ſuffered to expire, is hereby revived, and is, by ſeveral ſubſequent Acts, continued, annually, in force to this day.

TITLE 104.

Weights and Meaſures.

P. 32. Stat. 32d, Geo. 2d. Cap. 21, Sec. 1 : No. 1.

The Weights and Meaſures to be uſed in this Province ſhall be according to the ſtandard of England. Meaſures and Weights to be procured by the Treaſurer ; and the Clerks of the Market, throughout the Province, to furniſh themſelves with Weights and Meaſures, regulated according thereto, and marked G. R. Until the Treaſurer ſhall procure the ſame, thoſe uſed at the Ordnance Store to be the ſtandard.

Sec. 2 : No. 2.

All perſons, after a week's notice, ſhall bring their Weights and Meaſures to the Clerk of each town, who ſhall aſſay and mark the ſame : his fee, two-pence for each aſſay ; any perſon afterwards ſelling by Weights or Meaſures unmarked, to forfeit 20s. for each offence ; to be recovered before a Juſtice, and levied by diſtreſs.

Sec. 3 : No. 3.

Clerks to examine Weights and Meaſures once in three months, or oftener ; may ſeize, to their own uſe, all unmarked Weights or Meaſures. Perſons ſelling, by Weight or Meaſure, leſs than the ſtandard, to forfeit 10l. to be recovered in a Court of Record.

Sec. 4, 5, 6, 7, 8 : No. 4.

Theſe ſeveral ſections reſpect the Aſſize of Bread, and are repealed by the 36th Geo. 3d.

P. 50. Stat. 33d, Geo. 2d. 2d Seſs. Cap. 6, Sec. 1, 2, 3 : No. 5.

Nothing, throughout the Province, but hay, to be weighed for ſale with Steelyards, under penalty of 20s. Clerks of Market to inſpect Beams, Scales, Weights and Meaſures, and Steelyards for hay, every three months, and to aſſay and ſtamp them according to law : this inſpection to extend not only to thoſe uſed on ſhore, but alſo to thoſe uſed on board veſſels at the wharves, or in the harbour ; and Maſters of veſſels refuſing admittance to the Clerks are made liable to the ſame penalties the inhabitants are ; all penalties recovered under this Act, or the former Act, ſhall go three fourths to the Clerk, and one fourth to the poor.

P. 126. Stat. 7th, Geo. 3d. Cap. 4, Sec. 1 : No. 6.

All fines and forfeitures, for offences under theſe Acts, one half to go to the Clerk of the Market, or informer, the other half to the poor.

Wells and Pumps.

P. 379. Stat. 36th, Geo. 3d. Cap. 9, Sec. 1, 2 : No. 1.

Inhabitants of Towns may vote money for ſinking, building and repairing, pumps and wells; the ſame to be aſſeſſed and collected as poor rates; Firewards to expend the ſame, and account to the Seſſions; perſons over-rated may appeal to the Seſſions; if inhabitants neglect, the Seſſions, on complaint of three inhabitants, may amerce the town.

Sec. 3, 4: No. 2.

Perſons injuring a pump, or well, on conviction before two Juſtices, ſhall forfeit not leſs than 40s. or more than 5l. and if unable to pay, to be ſent to hard labour not more than ten days, or leſs than five.

Duration of the Act limited for one year.

TITLE 106.

Wild Beaſts.

P. 380. Stat. 36th, Geo. 3d. Cap. 12, Sec. 1, 2, 3 : No. 1.

The Seſſions, at the requeſt of the Grand Juries, in the ſeveral Counties, may make orders to encourage the killing of wolves, bears, loup cerviers, and wild cats, and may offer rewards for the ſame, the amount of which to be raiſed as other county rates. This Act to continue for one year.

P. 442. Stat. 41ſt, Geo. 3d. Cap. 7, Sec. 1 : No. 2.

The Act to encourage the deſtroying wild beaſts, revived and continued.

TITLE 107.

Wills.

P. 9. Stat. 32d, Geo. 2d. Cap. 11, Sec. 1 : No. 1.

Power given to every perſon, by will, ſubſcribed by the party, atteſted by three or more credible witneſſes, in preſence of the diviſor, to give and diſpoſe of, at pleaſure, any intereſt ſuch party may have in lands, tenements or hereditaments, whether ſuch intereſt be a ſole eſtate in fee ſimple, or in coparcenary, in common, or in poſſeſſion, reverſion or remainders; and, alſo, by will, to deviſe any rents or profits ariſing out of ſuch eſtates: provided, that wills made by a woman, covert, minor, ideot, or perſon of unſound mind, ſhall not be good in law.

Sec. 2 : No. 2.

No will, in writing, is revocable but by another will, or codicil, in writing, executed in preſence of three or more witneſſes, or by the teſtator, himſelf, deſtroying the ſame, or by the ſame being deſtroyed in his preſence, and by his deſire.

Sec. 3, 4, 5, 6 : No. 3.

No noncupative will good if the value of the eſtate bequeathed exceeds 30l. unleſs the ſame ſhall be proved by three witneſſes at the leaſt, who muſt atteſt, that the Teſtator, in their preſence, bid the perſons preſent witneſſes, that ſuch was his will, and ſuch will muſt be made during the laſt ſickneſs of the deceaſed, in the dwelling where he or ſhe have reſided, at leaſt for the ten days next before making ſuch will, unleſs the perſon ſhall have been ſuddenly taken ſick when abſent from home, and died before his return. No teſtimony allowed to prove a noncupative will, unleſs reduced to writing within ſix days after the making

making of such will. No probate of a nuncupative will to be allowed, until fourteen days after the death of the testator, and until the widow and next of kin shall be cited to contest the same. None but competent witnesses to be allowed to prove such will. No will, in writing, respecting personal estate, can be repealed, or altered, by word of mouth, unless the words of the testator are committed to writing, and read to the testator, and allowed by him, which must be proved by three witnesses, at least. Soldiers, in actual service, and seamen, at sea, allowed to dispose of their personal estate in the same way they could before this Act. The right of probate of wills vested in the Governor for Commander in Chief, subject to the rules of this Act,

Sec. 7, 8 : No. 4. P. 58.

Executors to cause will to be proved, and recorded in the Register's office of the County, within thirty days after the testator's death; or, otherwise, to produce the will, and renounce the executorship, under penalty of five pounds per month to each executor for every month's delay, without just excuse; after the said thirty days, penalty to be recovered at the suit of heirs, or creditors, for their use, by action of debt in the Inferior Court of the County. On refusal of executors, administration, with the will annexed, to be granted to widow, or next of kin, and, on their refusal, to one or more principal creditors. Persons suppressing a will liable to the same penalty as persons neglecting, as aforesaid, to prove it. P. 279.

Sec. 9 : No. 5.

Certain legacies, or residuary and uncertain legacies, when reduced to a certainty, may be recovered at common law.

Sec. 10 : No. 6.

Every executor within three months after probate, unless the Judge allow further time, shall exhibit to the Register a just account of the whole estate of the deceased, so far as the same shall then appear, and shall add to such accounts whatever estate may, afterwards, from time to time, appear, under penalty of 5l. for every month's neglect, to be recovered as in the 7th Sec. after payment of debts and particular legacies; if the residue is bequeathed to any other person, except the executors, the executors must give in an inventory, on oath, and account for the same as Administrators.

Sec. 11 : No. 7.

If executor be residuary legatee, he may have action of account against his co-executors, and may sue for his rateable part, and any other residuary legatee may have like remedy.

Sec. 12, 13 : No. 8.

Letters of Administration, to intestate estates, if applied for within thirty days after intestate's death, to be granted to widow, or next of kin; and if no application is made from them, the widow, or next of kin, to be cited; and, if they refuse, administration to be granted to such person or persons as the Judge shall think fit. Bond, with sureties, to be taken by the Judge, agreeably to the British Statute of 22d and 23d Charles 2, Cap. 10. Judge to call administrators to account, and, upon hearing, to allow debts, funeral and just expences, and then to make distribution of the residue of real and personal estate; allowing to the widow, if not otherwise endowed before marriage, one third of the personal estate, besides her dower for life in the real estate; and having appointed guardians for such of the heirs as are minors, to allow the eldest living son out of the residue, (if there be no issue living of an elder son) a double portion, and to divide the remainder equally amongst the other children, and such as legally represent them. Children advanced by settlement in the life of the intestate, to have the same made equally to the other children's shares, (except the eldest living son, or the issue, if any there be, of an elder son) who shall have a double portion. Advance made to children during intestate's life, to be accounted for on their oaths before the Judge, who may receive other evidence respecting the same; those who refuse to account are debarred of any share of estate. P. 185.

Sec. 14, 15, 16 : No. 9.

Five freeholders to be appointed, and sworn, by the Judge, to divide the real estate, unless the parties interested, being of age, shall agree to a division, which division being reduced to writing, and duly executed, and acknowledged as their deed, shall be entered of record, and be as valid as if made by writ of partition, and to be allowed as good evidence on any trial touching the premises. Real estate which cannot be divided without prejudice to the whole, the Judge, on evidence thereof, may order the whole to the eldest son; or, in case of refusal, to one of the other sons in succession, he paying the others the value of their shares, according to an appraisement, (to be made by three freeholders to be appointed, and sworn by the Judge) or, otherwise, if the Judge shall think it proper, on giving good security to pay the same, with interest, in a reasonable time. Minor children dying unmarried, their portion is to be divided amongst the survivors, (where there are no children, or any legal representative of them) the widow to have a moiety of the personal estate, besides her dower in the real estate, and the residue to be equally divided between the next of kin to the intestate, in equal degree, or those who legally represent them; no representatives to be allowed amongst collaterals after brother's and sister's children. If there is no widow, all to be distributed amongst the intestate's children; if no children, then amongst the next of kin, in equal degree to the intestate, as aforesaid; Judge to take bond from each to refund their rateable proportion, with charges, to the Administrator. If any debts of the intestate should afterwards appear, the dower of the widow in the real estate, after her decease, to be divided as aforesaid. P. 239. P. 284.

Sec. 17 : No. 10.

Persons aggrieved by any order, sentence, or decree, of the Judge, may appeal to the Governor and Council, on giving security to prosecute the same; if such appeal be made within 30 days after sentence.

Sec. 18 : No. 11.

Estates real, or personal, not plainly devised, or bequeathed, by will, shall be distributed as the estate of an intestate.

Sec. 19 : No. 12.

Where personal estate is insufficient to pay debts, or legacies, executor or administrator may apply to the General Assembly (N. B. By the Act of the 34th Geo. 2d. Cap. 5, the jurisdiction is given to the Governor and Council, instead

ſtead of the General Aſſembly) for licence to ſell the moſt convenient part of real eſtate, and before ſale, under ſuch licence, public notice thereof, for thirty days, ſhall be given in the public prints, and in the town where the deceaſed laſt dwelt, and the higheſt bidder ſhall be preferred. In caſe the eſtate ſhall be inſolvent, commiſſioners ſhall be appointed to adjuſt the claims of creditors, and the value of the inſolvent eſtate; and executors, and adminiſtrators, may be authoriſed to ſell the whole, and divide the produce, in proportion, among the creditors.

P. 58. Stat. 34th, Geo. 2d. Cap 5, Sec. 1, 2, 3: No. 13.

Applications by executors, or adminiſtrators, for liberty to ſell the real eſtates of deceaſed inſolvent debtors, to be, in future, made to the Governor and Council; and before any ſuch ſale bond, with two ſureties to the full value, to be given to Judge of Probate, for the juſt diſtribution of the proceeds; and all real eſtates ſold by virtue thereof, ſhall be abſolute in the purchaſer.

P. 279. Stat. 30th, Geo. 3d. Cap. 5, Sec. 1, 2: No. 14.

Executors and adminiſtrators, at the end of two years and ſix months, may pay debts as far as real and perſonal eſtates will go, and diſtribute the ſurplus, if any there be; but before payment of debts, or diſtribution, they muſt adverti/e in the newſpapers of this Province, and New-Brunſwick, ſix months, for all demands to be ſent in within eighteen months, which ſhall exclude the creditor who does not ſend in his demand, but not to extend to judgments, or mortgages, nor to oblige an advertiſement to be publiſhed in New-Brunſwick, unleſs the inventory of the eſtate ſhall exceed 100l. and executor, or adminiſtrator, if they refuſe to make diſtribution, ſhall forfeit 50l. for every refuſal.

TITLE 108.

Witneſſes.

P. 185. Stat. 14th and 15th, Geo. 3d. Cap. 4, Sec. 1, 2, 3, 4: No. 1.

Depoſitions of witneſſes, aged, infirm, unable to travel, or about to leave the Province, may be taken, on due notice to the adverſe party, before a Judge of the Court in which the cauſe is pending, and when duly certified by ſuch Judge, ſhall be legal evidence in the cauſe; proof to be made, on oath, that due notice was given; but if the diſability be removed before trial, the perſonal appearance of the witneſs is required; party is at liberty on the trial to take exceptions to the credit of the perſon examined, by virtue of this Act.

Sec. 5, 6: No. 2.

Quakers to be examined on affirmation; and perſons who ſhall ſwear, or affirm, falſely, to ſuffer as for perjury.

P. 239. Stat. 25th, Geo. 3d. Cap. 2, Sec. 1, 2, 3: No. 3.

When a witneſs lives more than five miles from the Court Houſe, a Juſtice may iſſue a Subpœna, purſuant to the form in the Statute to compel ſuch witneſs's attendance; and, if the perſon ſerved therewith ſhall diſobey the ſame, he ſhall be puniſhed the ſame as for contempt of a Subpœna iſſued out of the Court. No perſon obliged to give evidence until his reaſonable charge be paid.

P. 284. Stat. 31ſt, Geo. 3d. Cap. 4, Sec. 1: No. 4.

Supreme or Inferior Court, on affidavit, may grant a commiſſion to examine witneſſes, in a cauſe pending, who are abſent from the Province, and the depoſitions, if taken agreeable to the orders and rules of the Court, may be uſed at the trial. The Court, by rule, to regulate the coſt.

Sec. 2: No. 5.

Supreme Court may make rules reſpecting the bounds of the priſons in the ſeveral Counties, and touching the privileges of priſoners, and for regulating the conduct of thoſe who have the cuſtody of priſoners.

TITLE 109-110.

Woods, burning thereof.

P. 67. Stat. 1ſt. Geo. 3d. Cap. 5, Sec. 1, 2 : No. 1.

Juſtices, annually, at their Spring Seſſions, to direct the Grand Jury to make regulations to prevent damage by firing woods, underbruſh, or marſh land, at unſeaſonable times, which regulations, when approved of by the Seſſions, to be obſerved for one year.

Sec. 3, 4 : No. 2.

Juſtices to regulate penalties, but not to exceed 5l. Proſecutions to be in three months.

TITLE 110.

Work Houſe.

P. 41. Stat. 33d, Geo. 2d. Cap. 1, Sec. 1 : No. 1.

Recites the Houſe having been built at the public expence, purſuant to the Act of laſt Seſſion. Overſeers of the Poor to appoint keepers and aſſiſtants, to provide materials to employ the people, and to direct the management.

P. 460

Sec. 2 : No. 2.

Juſtices, in their Seſſions, or a ſingle Juſtice, on due conviction, to commit for puniſhment, according to the rules of the houſe, all idle and diſorderly perſons, beggars, perſons practiſing unlawful games, fortune tellers, common drunkards, perſons of lewd behaviour, vagabonds, run-aways, ſtubborn ſervants, and children, and perſons miſpending their time to the injury of their families.

Sec. 3 : No. 3.

Keeper to employ at labour all perſons committed, if able, and to puniſh them with fetters and ſhackles, if neceſſary, and by moderate whipping, not exceeding ten ſtripes at one time, which ſhall be inflicted at firſt coming in, (unleſs the commitment otherwiſe direct) and as often afterwards as may be neceſſary, in caſe they are ſtubborn, or idle. He may likewiſe abridge them of their food.

Sec. 4, 5, 6 : No. 4.

No charge to be made for their ſupport againſt Government ; they are to be maintained out of their earnings ; the keeper to account for the ſame, on oath, to the Overſeers ; inſane perſons to be relieved, and kept therein ; all expences to be paid out of their earnings, if ſufficient, if not, to be advanced out of the Province Treaſury, and reimburſed out of the future profits.

Sec. 7 : No. 5.

Overſeers, with the conſent of two Juſtices of the County of Halifax, to ſet to work orphan children, or the children whoſe parents, in the judgment of the major part of ſuch Overſeers, are unable to maintain them ; and to bind out ſuch male children until they ſhall be 21 years of age, and female children until 18, or marriage ; ſuch indentures to be, in all reſpects, binding, and to contain a clauſe to make the ſame void if the apprentice be carried out of the Province.

P. 96. Stat. 3d and 4th, Geo. 3d. Cap. 9, Sec. 1, 2 : No. 6.

Juſtices, in Seſſions, to have the ordering and government of the houſe, except three rooms, which ſhall be for the poor, under Overſeers ; Juſtice to advertiſe for, and agree with, keeper, who ſhall account with them ; three Juſtices to be appointed, quarterly, who ſhall take it in rotation, weekly, to inſpect and regulate the houſe.

Sec. 3 : No. 7.

The Overſeers of the Poor only, have power to ſend to the Work-Houſe, ſick and weak perſons, to be relieved, and the charges of ſuch perſons to be paid out of the poor rates.

Sec. 4 : No. 8.

The clauſe of former Act, for binding out poor children, extended throughout the Province.

P. 293. Stat. 32d, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 9.

Juſtices, in Seſſions, if they think it neceſſary, in the Counties or Diſtricts of the Province, may provide buildings, or appropriate a part of the Jail for a Work-houſe : the expence to be provided for by preſentment. Any Juſtice, or Juſtices, may commit to ſuch houſes any of the perſons deſcribed in the Act for regulating the Work-Houſe at Halifax, which is extended to the reſt of the Province.

Sec.

Sec. 3, 4, 5 : No. 10.

Juſtices, in Seſſions, may appoint keepers to ſuch houſes, who ſhall have power to employ the perſons committed, who ſhall account, on oath, for all earnings, and expences are to be paid out of the ſame. If perſon committed be unable, by labour, to ſupport himſelf, the Overſeers of the Poor for the Townſhip, in which he has obtained a ſettlement, ſhall pay the ſame; and, if ſuch perſon has no ſettlement, the County to pay the expence.

Sec. 6, 7, 8 : No. 11.

Juſtices, in Seſſions, to make regulations for the government of ſuch houſes, and to appoint three Juſtices to viſit the ſame, to ſee ſuch regulations obeyed. Juſtices, in Seſſions, may remove the keeper and appoint another. The keeper, if guilty of cruelty, or oppreſſion, ſubject to a fine, not exceeding twenty pounds, and ſix months impriſonment. Perſons aggrieved by a Juſtice or Juſtices, in the execution of this Act, may appeal to the Seſſions, whoſe order ſhall be final.

Sec. 9 : No. 12.

Perſons ſhall be committed until the next general Seſſions, or until otherwiſe diſcharged by law. Keeper to deliver to the Seſſions a liſt of all perſons committed, who ſhall examine and diſcharge ſuch as merit it, which may alſo be done by the viſiting Juſtices, or any other two Juſtices of the County.

Sec. 10, 11, 12 : No. 13.

If the keeper refuſe to quit the houſe in ten days after he ſhall be ordered by the Seſſions, two Juſtices may grant a warrant to the Sheriff to remove him, and ſecure every thing belonging to the houſe. Perſon ſued for any thing done under this Act, may give the ſpecial matter in evidence, and, if acquitted, ſhall have treble coſts. Money to ſupport Work-houſes to be raiſed by preſentment.

Sec. 13 : No. 14.

The Overſeers of the Poor, for the Town of Halifax, ſhall not be allowed, in their accounts, for any expence in ſupporting perſons who are not kept in the Poor-houſe.

P. 460. Stat. 42d, Geo. 3d. Cap. 6, Sec. 1, 2, 3, 4 : No. 15.

Acting Commiſſioner of the Poor, at Halifax, to have direction of idle or diſorderly perſons committed to the Houſe of Correction, to provide them ſupport, and to ſee that they are kept at hard labour. The Keeper of the Jail to have 5s. allowed him for each perſon diſcharged. No corporal puniſhment to be inflicted unleſs expreſſed in the warrant.

THE

GENERAL INDEX

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