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At the GENERAL ASSEMBLY of this Province of *Nova-Scotia*, begun and holden at HALIFAX, on the Fifth Day of December, 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 unto the Twenty Fifth Day of February, 1790, in the Thirtieth Year of his Majesty's Reign, being the Fourth Session of the Sixth *General Assembly*, convened in the said Province.

## C A P. I.

AN ACT to amend the Act, *intituled*, 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 *Skelburne*.

 HEREAS the fine of Forty Shillings now imposed on Persons neglecting to sweep their Chimnies has been found too high.

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.

Justices in Sessions to appoint not exceeding fifteen Firewards

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.

And Whereas it is found expedient and necessary, that the several Provisions in said recited Acts should be extended to the Town of Shelburne.

Acts respecting Firewards extended to Shelburne.

III. Be it therefore Enacted, That from and after the Publication hereof, the several Matters, Clauses and Things specified and contained in said Act, intituled, " an Act for appointing Firewards and ascertaining their Duty, and for punishing Thefts 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.

C A P. II.

AN ACT in Amendment of an Act, intituled, 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.

HEREAS by an Act passed in the Twentieth Year of his present Majesty's Reign, Intituled, 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,

Justices in their Session to allow the Collector a commission not exceeding seven and a half per Centum.

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.

## C A P. III.

AN ACT to prevent the destroying or defacing Mile-Posts, Mile-Boards or Mile-Stones, erected or to be erected within this Province:

*HEREAS* 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.

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.

Persons found guilty of defacing, displacing &c. any Mile Post Board or Stone shall on conviction before two Justices pay the sum of two pounds, one to the prosecutor the other to the Treasurer of the County, if unable to pay the fine, liable to a corporal punishment not exceeding thirty lashes

## C A P. 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*.

*HEREAS* the Province stands indebted in a considerable Sum of Money for Principal and Interest to the Trustees of the Public School at Halifax or School Lottery Fund, as by the Public Accounts, settled and passed this Session of Assembly will appear. And whereas the Building with the Ground thereunto belonging, now used and occupied as an Assembly House will no longer be useful or necessary to the Province, but would make a convenient Situation for the said public School in Halifax, and at the same time enable the Province to pay off a large part of the debt due as aforesaid.

I. Be

Commissioners when requested by Trustees of School shall execute to them a Deed of the House and ground where the *General Assembly* sit, which shall be effectual to convey to the said Trustees the Interest of the Province therein in trust for the use of the Public School at *Halifax*.

I. *Be it therefore Enacted*, That the Commissioners either now appointed; or who hereafter shall be appointed under and by Virtue of an Act passed in the Twenty eighth Year of his present Majesty's Reign, intituled, *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 a common Goal, shall and may as soon as requested after the End of the present Session by the Trustees of said public School make and execute to such Trustees a good and sufficient Deed of the House and Lot of Ground thereunto belonging, where the *General Assembly* now sit, which Deed so made and given to said Trustees, shall be valid and effectual in Law to pass and convey to the said Trustees the entire Estate and Interest of the Province therein, to be held by said Trustees and their Successors in trust for the Use of a public School in *Halifax* for ever, agreeable to an Act passed in the Twentieth Year of his present Majesty's Reign, intituled, *an Act for establishing a public School in the Town of Halifax*, and to and for no other Use, Intent or Purpose whatsoever; any Thing in said Deed or this Act contained to the contrary thereof notwithstanding.

When Trustees accept the Deed of the Premises the Province shall be discharged from the Debt due to School Lottery except the Sum of £.400. only, which together with Interest thereon from the date of the Deed shall be received at the Treasury by Warrant from the Governor, Lieutenant Governor or Commander in Chief for the time being.

II. *And be it further Enacted*, That so soon as the said Trustees shall accept of said Deed and take Possession of said Premises, the Province shall be and is hereby discharged of, and from the whole Debt (except as is herein after excepted) which appears by the public Accounts to be due for Principal and Interest to the said School Lottery Fund, except the Sum of Four Hundred Pounds only, which Sum of Four Hundred Pounds, together with such interest as shall accrue thereon from and after the Date of said Deed, it shall and may be lawful for the said Trustees to receive from Time to Time at the Treasury the same, to be paid on the Warrant or Warrants of the Governor, Lieutenant Governor, or Commander in Chief for the Time being, which said last mentioned Sum and the Interest thereon, together with said Premises when received by said Trustees, shall be, and the same is hereby declared to be in full Discharge and Payment of the Sum of Money borrowed by the Province from the said School-Lottery Fund together with the Interest thereof.

## C A P. V.

An ACT in Amendment of Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of Estates of Intestates, and to enable Executors and Administrators the more speedily to settle the Estate of the Deceased.

*W* *HEREAS* 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.

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 used 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.

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 this 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 here-  
in 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

Executors and Administrators after 2 years and 6 months may pay all debts then exhibited and to distribute any overplus according to Law and last Will.

Executors and Administrators previous to payment or distribution to advertise in the public News papers in Province of Nova Scotia and at St. John's, New Brunswick six months, for persons to exhibit their demands, within 18 months, which advertisement shall exclude creditors neglecting to make demand. Not to extend to judgement or Mortgage, nor to oblige executors or administrators to advertise except in the Province, unless the Inventory shall exceed £.100. Executors or Administrators neglecting to make distribution agreeable to this Act to forfeit £.50.

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.

### C A P. 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*.

*HEREAS* 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.

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.

Common Pleas and Sessions at *Shelburne* held on first Tuesdays of *March*, *July* and *November*.

### C A P. VII.

AN ACT in Amendment of an Act, intituled, An Act for appointing Commissioners of Sewers,

*HEREAS* by an Act of General Assembly made and passed in the Thirty fourth Year of the Reign of his late Majesty, intituled, 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 Dikes and Wares 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.

I. Be it therefore Enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof, whenever the building

building or repairing such Dikes and Wares, 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 authorized 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 Dikes and Wares 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.

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 Commissioner's may Assess and Tax such Owners according to the Quantity and quality of their Lands.

### C A P. VIII.

AN ACT in Amendment of an Act for regulating the manner of issuing Procefs 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.

\*\*\* E it Enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof, all  
 \* B \* 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 personal Service cannot be made to be left at the Defendants last place of abode, of which Constable to make Oath.



Service 1s. 3d. per  
Mile Travel.

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 Justices Residence.

*And whereas doubts have arisen respecting the Power of Justices in taking Cognizance of certain Civil Actions.*

Justices not to have  
Jurisdiction of Debt  
for Rent, Trover,  
Case for Words,  
Trespas, Assault  
and Battery, false  
imprisonment or  
where Title to  
Lands come in  
question.

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 Trespas, Assault, and Battery; or false Imprisonment, or where the Titles of Land shall in any Ways come in Question.

### C A P. IX.

AN ACT in Addition to an Act made in the fifth Year of the Reign of his present Majesty, intituled, An Act for the raising Money by Presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned.

*HEREAS* 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.

Grand Jury to pre-  
sent Sums necessary  
for payment of  
Clerk of the Peace.

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.

### C A P. X.

AN ACT to provide a suitable Place for the General Assembly and 'King's Courts to sit in, and for other public Purposes.

*HEREAS* the Destruction of the Court-House by Fire, and the inconvenient Situation of the present Assembly House makes it necessary that a more suitable Place should be provided for the public Service, and whereas the State of the Province Finances will not at present admit of the Expence of building a proper Place, for these and other Purposes.

I. Be

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 Governor, Lieutenant Governor or Commander in Chief for the time being, 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, for the following purposes, *That is to say,* it shall and may be lawful for said Commissioners when appointed in their own Names as Trustees for the Province to lease from the Honourable *Thomas Cochran, James Cochran and William Cochran* of the Town of *Halifax*, Merchants for ten Years to be computed from the first Day of *July* next, all that new Building belonging to them now erected in Front of the Government House, together with such part of the Cellar as said Commissioners shall think necessary, not to exceed one third Part of the Whole thereof, at a Yearly Rent of two Hundred Pounds, to be paid out of the Treasury of the Province in two equal half Yearly Payments, the said Rent to commence when the said Building shall be fitted up and compleated by the said *Thomas, James and William Cochran*, agreeable to such Plan as the said Commissioners with the Consent and Approbation of the Governor, Lieutenant Governor, or Commander in Chief for the time being, shall agree to. *Provided always,* that nothing in said Lease shall oblige the Province to be at any Expence in keeping said Building in Repair, but the same shall be kept in good tenantable Repair by the said *Thomas, James and William Cochran* at their own proper Cost and Charge.

Governor to appoint three or more Commissioners to lease from Messrs. *Cochrans*, for Ten Years the new building fronting the Government House with one third of the Cellar at £200. a year.

II. *And be it further Enacted,* That if the said Commissioners or a Majority of them shall certify on the said first day of *July* to the Governor, Lieutenant Governor or Commander in Chief, that so much of the said Building, as shall be then wanted, is fit for the public Service, and that the said *Thomas, James and William Cochran*, have become bound and obliged to fully compleat and finish the whole thereof by the first Day of *October* next following, then the said yearly Rent of Two Hundred Pounds shall commence, and 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 or Expiration of every six Months for the said half yearly Rent of one Hundred Pounds for, and during the full Term of said Lease, and the Province is hereby bound to provide for the punctual and faithful Payment of such Warrants to the said *Thomas, James and William Cochran* their Heirs, Executors, Administrators or Assigns half Yearly, until the End or Expiration of said Ten Years.

Building to be fitted and kept in repair by the Lessors.

If Commissioners certify the Building fitted on the 1st *July* next and that Lessors have given Bond to compleat it by 1st of *October* then the Rent to commence, Governor to draw Warrant at the expiration of every six Months for £100. and Province to provide for punctual payment thereof.

III. *And be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Com-

£.100. granted for  
purchasing Furni-  
ture.

mander in Chief for the time being, to grant a Warrant or Warrants on the Treasury to said Commissioners for a Sum not exceeding One Hundred Pounds to enable them to purchase and provide suitable and proper Furniture for the *Council, Assembly* and public *Court House*, said Commissioners to account for the Expenditure thereof before the Committee of public Accounts.

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