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At the General ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on *Tuesday* the Twenty Eighth Day of *May*, 1765, in the Fifth Year of His Majesty's Reign, and there continued by several Prorogations, to *Thursday* the 23d Day of *October*, 1766, in the Sixth Year of His Majesty's Reign.

An A-C-T to prevent the Cutting or Breaking down the Bank of any River, Seabank, or Dykes.

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 or 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 Picketts, 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 Seabank 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.

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 sum-

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mon the Party or Parties so complained of, or to issue their Warrant or Warrants to apprehend and bring before 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 Gaol 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*,

*Published according to Law the 22d November, 1766.*

An A C T in Addition to and Amendment of an Act made and passed in the Second Year of His present Majesty's Reign, intituled, *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.*

HEREAS the Laws and Regulations made and provided, *W* 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 Surname 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  
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as aforesaid, shall, on due Conviction thereof, by the Oath of credible Witnesses, before any 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.

*Published according to Law, the 22d November, 1766.*

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An Act for empowering 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*.

WHEREAS for Want of Roads, and the Distance between the Township of *Liverpool* in the County of *Queen's County*, and the Townships of *Yarmouth* and *Barrington*, makes the Attendance of Persons residing in the said Townships of *Yarmouth* and *Barrington*, at the General Sessions of the Peace held for the said County of *Queen's County*, at *Liverpool*, very inconvenient; FOR REMEDY WHEREOF, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That Courts of General Sessions of the Peace, shall and may be held and kept within the Township of *Yarmouth* in *Queen's County*, on the *First Tuesday of April*, and within the Township of *Barrington* in the said County, on the *First Tuesday of November*, in every Year; and any Three or more of the Justices for the County of *Queen's County*, shall and may hold the said Courts, and such Courts shall have, hold, use, exercise, and enjoy, all and singular, the Powers which are by Law already given and granted unto Courts of General Sessions of the Peace, so far as relates to all such Matters and Things as shall be cognizable by such Courts within the said Townships of *Yarmouth* and *Barrington*.

*Published according to Law the 22d November, 1766.*

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An Act for altering, amending, and prolonging an Act made in the Fifth Year of the Reign of His present Majesty, intituled, An Act for Granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards Sold within this Province.

 *Be it Enacted by the Licutenant Governor, Council and Assembly, That all Wines, Tea, Coffee, and Playing Cards, sold or by any ways or Means brought into this Province, shall pay the following Rates and Duties of Excise, viz. Wines per Gallon, Six Pence; Tea per Pound, One Shilling; Coffee per Pound, Two Pence; Cards per Pack, One Shilling.*

*And be it further Enacted, That the Collector or Receiver or Collectors or Receivers of the Duties, or one of them, shall grant Permits Gratis, to all Retailers and others, as well for Tea, Coffee, and Playing Cards, as for Wines, for all such Quantities of Tea, Coffee, and Playing Cards, as they shall from Time to Time purchase from any Merchant or other Person, That is to say, for Tea and Coffee in any Quantity not less than Fifty Pounds Weight, and for Cards not less than Fifty Packs, and shall deliver a Duplicate of such Permit, One to remain in the Hands of the Buyer, and the other to be delivered to the Seller, at the Time of Delivery of such Tea, Coffee and Playing Cards.*

*And be it also Enacted, That the Collector or Receiver, or Collectors or Receivers aforesaid, is and are hereby impowered and directed to take and receive from the Purchaser or Purchasers of such Tea and Coffee, and Playing Cards, the Duty of Excise at and after the Rate aforesaid, for the Quantity expressed in said Permit and Duplicate, before the Delivery of the same, without allowing any Credit therefor.*

*And be it further Enacted, That from and after the Publication hereof, no Deduction or Allowance shall be made for Wastage and Leakage upon any Wines, in the Hands of any Merchant or other Person, but that the Collector or Receiver or Collectors or Receivers aforesaid, are hereby impowered, in Lieu thereof, to give Credit to such Merchant or other Person, for so much only of such Wines, as shall *bona fide* appear to have been wasted or leaked out, to be proved upon Oath at the Quarterly Settlement of Accounts for Duties on such Wines; and no Allowance or Abatement whatever shall be hereafter made on any Wines that shall be exported.*

*And be it also Enacted, That if any Tea, Coffee, or Cards shall be fraudulently reloaded in any Port or Place of this Province after*

after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Coffee, Tea, and Playing-Cards, shall have been so fraudulently reloaded.

*And be it Enacted,* That all and every Person bringing in, or causing to be brought into this Province, any Wines, Tea, Coffee, or Playing Cards, for their own Consumption, shall render a just and full Account of all such Wines, Tea, Coffee, and Playing Cards, to the Collector or Receiver, or Collectors or Receivers aforesaid, within *Twenty Four Hours* after the Arrival of the Vessel wherein such Wines, Tea, Coffee, or Playing Cards, shall be so brought in, and shall pay or secure to be paid the Duties of Excise aforesaid thereon, under the Penalty of forfeiting all such Wines, Tea, Coffee, and Playing Cards, so introduced, in whosesoever Possession the same may be found; and shall also forfeit and pay the Sum of *Twenty Pounds* for every such Offence.

*And be it also Enacted,* That all Wines, Tea, Coffee, and Playing Cards, seized for illicit and contraband Trade, which shall be brought into any Port within this Province, upon Condemnation thereof, shall be subject to the Duties of Excise imposed by this Act, and if such Condemnation shall be in the Court of Vice Admiralty, the Marshal of such Court or his Deputy, or any Auctioneer or Vendue Master, shall not deliver any such Wines, Tea, Coffee, and Playing Cards, sold by him or them at Publick Auction, or otherwise, without a Permit from the Collector or Receiver, or Collectors or Receivers of the Duties, and shall render an Account to the Collector or Receiver, or Collectors or Receivers aforesaid (upon Oath) of the Quantity of all such Wines, Tea, Coffee, and Playing Cards, which he or they shall sell at Publick Auction or otherwise, and of the Persons Names to whom the same shall be sold, under the Penalty and Forfeiture of *Two Hundred Pounds* for each and every Offence,

*And be it also further Enacted,* That the Act made in the *Fifth Year* of the Reign of His present Majesty, intituled, *An Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, Sold within this Province,* with the Alterations and Amendments thereto made by this Act, shall be and continue, and the same is hereby continued in Force until the *First Day of December, One Thousand Seven Hundred and Sixty Seven.*

*Published according to Law the 22d November, 1766.*

An Act in Amendment of an Act made in the Third Year of His present Majesty's Reign, intituled, An Act for altering and amending several Acts of this Province relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors Sold within this Province.

WHEREAS by the Act made in the Third Year of His Majesty's Reign, intituled, an Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines Rum, and other distilled Spirituous Liquors, sold within this Province, the Collector or Receiver, or Collectors or Receivers of the Duties, is and are directed to make and allow Five per Cent for Wastage and Leakage on all Rum, and other distilled Spirituous Liquors in the Hands of any Merchant, Distiller, or other Person, which Allowance has been found productive of many Disadvantages to the Revenue of the Province, Be it therefore Enacted by the Lieutenant Governor, Council, and Assembly, That from and after the Publication of this Act, no such Allowance of Five per Cent for Wastage and Leakage, shall be allowed, but in Lieu thereof, if thro' Accident any Part of the Stock of Rum or other distilled Spirituous Liquors, in the Hands of any Merchant, Distiller, or other Person, shall by Leakage or otherwise be lost, the Collector or Receiver, or Collectors or Receivers of the Duties shall, on due Proof of the same on Oath, credit the Stock of such Merchant, Distiller, or other Person, for the Quantity so lost, any Law, Usage, or Custom to the contrary notwithstanding.

And be it further Enacted, That the Collector or Receiver, or Collectors or Receivers of the Duties of Excise granted by the aforesaid Act, and any Persons employed by or under them, shall observe the aforesaid Act, with the Additions and Amendments that have since been made to the same, and also this Act, for their Rule and Guide in receiving the aforesaid Duties, any Law, Usage, or Custom to the contrary notwithstanding.

Published according to Law the 22d November, 1766.


An Act for discontinuing the Bounty on Stone Walls.

WHEREAS the heavy Load of Debt which this Province labours under, renders it unable any longer to pay the Bounty granted on Stone Walls built on the Peninsula of Halifax, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That from and after the First Day of January, One Thousand Seven Hundred and Sixty Eight, all Bounties and Premiums whatsoever, which have

have heretofore been granted by any Law of this Province on Stone Walls built on the Peninsula of *Halifax*, shall absolutely cease and determine, any Law, Usage, or Custom to the contrary in any wise notwithstanding.


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An Act for continuing an Act, intituled *an Act for reviving an Act made and passed in the 33d Year of His late Majesty's Reign, intituled "An Act for further prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly in the 32d Year of His Majesty's Reign."*

 *HEREAS* the Law hereafter mentioned, bath by Experience been found useful and beneficial, and no Inconvenience having arose therefrom, and that the same is near expiring, Be it therefore Enacted by the Lieutenant Governor, Council, and Assembly, That an Act for reviving an Act made and passed in the Thirty Third Year of His late Majesty's Reign, intituled *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*, which was to continue in Force for Three Years from the Twenty Eighth Day of November, One Thousand Seven Hundred and Sixty Three, and from thence to the End of the Session of the General Assembly then next following, shall be and the same is hereby further continued from the Expiration thereof, until the Twenty Eighth Day of November, One Thousand Seven Hundred and Sixty Nine, and from thence to the End of the then next Session of the General Assembly.

*Published according to Law the 22d November, 1766.*

An ACT for preventing Frauds in the Revenue.

 *HEREAS* many Persons coming from the neighbouring Colonies as Passengers and Traders, as also the Mariners on board the Trading Vessels, do frequently, without the Knowledge, Privity, or Consent of the respective Masters, put on board such Vessels sundry Quantities of Goods, subject by Law to Duties in this Province, taking out separate Cockets therefor, with Intention to land and conceal the same, without making any Report; or if discovered, to make

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*Post Entries under frivolous Pretences: And whereas the Officers of the Revenue are put to great Difficulties in bringing such Offenders to speedy Justice, as it frequently happens that the Masters of Vessels and other Evidences for convicting them, are obliged to leave the Province before the Return of the stated Times for holding Courts; For REMEDY whereof, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That from and after the Publication hereof, no Post Entry shall be allowed of any Goods liable to the Payment of Duties, which are not contained in the Manifest entered at the Impost Office, and sworn to by the Master of the Vessel entering according to Law, but the same shall be seized, forfeited, and applied as other Forfeitures are declared to be by the Laws already made establishing the said Duties.*

*And be it further Enacted, That upon every Information made to any Two or more of the Judges of the Common Law Courts, the said Judges shall be and are hereby impowered and directed to hold a Special Sessions, and to try and determine the Matters therein contained, and for this Purpose to issue Process to the Provost Marshal, returnable at a short Day, to summon a Special Jury to pass on the Trial, as also to convene the Party complained of before the Court, to join Issue in the said Trial, and to hold him or them to Special Bail to abide by the Judgment and Determination of the said Special Court, which final Judgments and Determinations shall be as good and effectual to all Intents and Purposes, as if the Trials had been prosecuted in any of His Majesty's Courts of Record, at the usual and stated Terms thereof, any Law or Custom to the contrary notwithstanding.*

*And be it also further Enacted, That in Case it shall happen, that any of the Evidences for supporting any Information that may be so brought, are obliged to leave the Province before the Day appointed by the Special Sessions for the Trial of the Cause, that then and in that Case it shall be in the Power of any One of the said Judges, upon Notice given to the adverse Party to be present, to take the Depositions of the said Evidences in Writing, which Depositions, so taken and subscribed by the Judge and Witnesses, shall be admitted as Evidence to the Jury upon the Trial.*

*Published according to Law the 22d November, 1766..*

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## An Act for granting to His Majesty a Duty of Impost on Loaf Sugar.

**W** H E R E A S the several Acts for laying Duties of Impost and Excise on Wines, Beer, Rum, and other distilled Spirituous Liquors, have been found insufficient to answer the Purposes thereby intended, We do hereby Grant unto His Most Excellent Majesty, His Heirs and Successors, for the Uses hereinafter mentioned,

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