

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 a 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 whatsoever, 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 Hufsey 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 *contra* 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.

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.

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.

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.

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.

Eng. stat. 9. An.
c. 14. sec. 2.
Persons losing
more than 20s.
within 24 hours
1. Salk. 345.
Dickson versus
Pawlet
2. Mod. 54. Hill
versus Pheasant
2. Stra. 1079.
Turner versus
Warren

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.
Persons winning
any money, &c.
fraudulently
to forfeit five
times the value
1. Stra. 1048
Rex versus Luck-
up. The pe-
nalty must be su-
ed for after the
conviction

Two Justices
may order ga-
ming tables, to be
removed as pub-
lic nuisances, &c.

CAP. II.

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

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.

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).

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.

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.

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,

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

Quakers may
make solemn af-
firmation instead
of taking an
oath

Persons falsely
affirming to suf-
fer as if guilty
of perjury

Criminal causes
excepted

Quakers to af-
firm that have
been so for one
year.

To be deemed a
public act.

Preamble

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 parishioners 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 parishioners 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 5*l*.

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.

H

not

(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. Poll's Rep. 368. 2. Roll'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.

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.

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.

CAP. IV.

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

Executed.

CAP. V.

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

Repealed by his Majesty in Council.

CAP. VI.

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

For the Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. Cap. 21.

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.

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

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.

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.

Preamble

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

on penalty of xcs. 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 six horse bells on the horse harness, &c.

on penalty of xcs.

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

* 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.

23. Geo. 2. c. 3.

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 empowered to act in the same manner, in all cases, as is prescribed in said Act.

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

CAP. XI.

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

Preamble

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

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 burthen some 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 wood

wood, barrels, hogheads, 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.

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.

*Carmen, &c. dr. manding any greater rates for-
feit 20s.*

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 empowered 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.

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

CAP. XII.

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.

Executed

CAP. XIII.

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

Repealed by His Majesty in Council

CAP. XIV.

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

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

WHEREAS by an Act made and passed in the thirty second year of his Majesty's reign, entitled, An Act for preventing trespases, 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.

Preamble

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

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

Trespassing cattle to be impounded

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

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 publicly 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 township of Halifax.

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

Justices in ses-
sions to make re-
gulations in o-
ther counties.

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.

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 empowered, 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.

[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. 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. 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 Dupont, 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,